

OFFICE OF THE CONTROLLER OF BUDGET

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10/12/21



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Nairobi Kenya

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9th December 2021

Mr. Michael R. Sialai, EBS
Clerk of the National Assembly
Parliament Building
NAIROBI



Dear *Mr. Sialai,*

RE: THE CONTROLLER OF BUDGET REGULATIONS, 2021

Reference is made to the captioned subject matter.

The Controller of Budget Regulations, (2021) were published in the Kenya Gazette on 3rd December, 2021. Section 11(2) of Statutory Instruments Act, No. 23 of 2013 requires all regulation-making authorities to transmit statutory instruments to the responsible Clerk for tabling before Parliament within seven sitting days of publication.

Consequently, the Controller of Budget hereby forwards three (3) copies of the published Controller of Budget Regulations, 2021 for your further action.

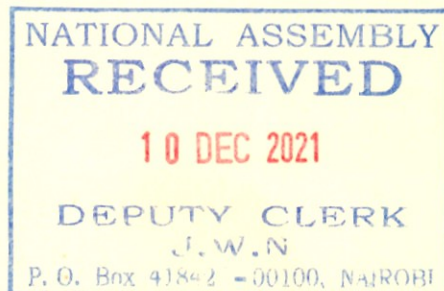
Enclosed, please also find:-


- (a) the Explanatory Memorandum;
- (b) Letter to the Attorney General seeking clearance and publication;
- (c) Pre-publication scrutiny report;
- (d) Public Participation report; and
- (e) The Controller of Budget Act, 2016.

Thank you for your continued support.

Yours *Sincerely,*
Margaret

Dr. Margaret Nyakang'o
CONTROLLER OF BUDGET



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SPECIAL ISSUE

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LEGAL NOTICE NO. 254

THE CONTROLLER OF BUDGET ACT

(No. 26 of 2016)

THE CONTROLLER OF BUDGET REGULATIONS, 2021

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SCHEDULE

THE CONTROLLER OF BUDGET ACT

(No. 26 of 2016)

IN EXERCISE of the powers conferred by section 25 of the Controller of Budget Act, the Controller of Budget makes the following Regulations—

THE CONTROLLER OF BUDGET REGULATIONS, 2021

PART I — PRELIMINARY

1. These Regulations may be cited as the Controller of Budget Regulations, 2021. Citation.
2. (1) In these Regulations, unless the context otherwise requires— Interpretation.
- “Act” means the Controller of Budget Act, 2016; No. 26 of 2016.
- “accounting officer” has the meaning assigned to it under section 2 of the Public Finance Management Act, 2012; No. 18 of 2012.
- “any other public funds” has the meaning assigned to it under section 2 of the Act;
- “budgetary ceilings” has the meaning assigned to it under regulation 2 of the Public Finance Management (National Government) Regulations, 2015; LN. No. 34 /2015
- “Cabinet Secretary” has the meaning assigned to it under section 2 of the Act;
- “consolidated fund services” has the meaning assigned to it under regulation 2 of the Public Finance Management (National Government) Regulations, 2015;
- “Controller of Budget” has the meaning assigned to it under the Act;
- “control ledger” means—
- (a) the Consolidated Fund Control Ledger;
 - (b) the Equalization Fund Control Ledger;
 - (c) County Revenue Fund Control Ledger; and
 - (d) Control Ledger for any other public fund that show the vote, appropriated amounts, revenue receipts, and cumulative approved withdrawal amounts;
- “County Executive Committee Member” means the County Executive Committee Member responsible for matters relating to finance;
- “county exchequer account” has the meaning assigned to it under section 2 of the Public Finance Management Act, 2012;
- “county government entity” has the meaning assigned to it under section 2 of the Public Finance Management Act, 2012;

“County Treasury” has the meaning assigned to it under section 2 of the Public Finance Management Act, 2012;

“exchequer ledger” means a record of revenue receipts into and withdrawals from the exchequer account maintained by the National Treasury or a County Treasury;

“National Exchequer Account” has the meaning assigned to it under section 2 of the Public Finance Management Act, 2012;

“national government entity” has the meaning assigned to it under section 2 of the Public Finance Management Act, 2012;

“National Treasury” has the meaning assigned to it under section 2 of the Public Finance Management Act, 2012;

“pending bills” means unsettled financial obligations by the national or county government entities at the close of financial year;

“Public Debt Management Office” means the Office established under section 62(1) of the Public Finance Management Act, 2012;

“public officer” has the meaning assigned to it under Article 260 of the Constitution;

“publicise” has the meaning assigned to it under section 2 of the Public Finance Management Act, 2012;

“publish” has the meaning assigned to it under section 2 of the Public Finance Management Act, 2012;

“receiver of revenue” has the meaning assigned to it under section 2 of the Public Finance Management Act, 2012;

“vote” has the meaning assigned to it under section 2 of the Public Finance Management Act, 2012; and

“Vote-on-Account” has the meaning assigned to it under regulation 2 of the Public Finance Management Act (National Government) Regulations, 2015.

3. These Regulations shall apply to—

Application.

- (a) Parliament;
- (b) Judiciary;
- (c) a County Assembly;
- (d) the National Treasury;
- (e) a County Treasury;
- (f) a National Government entity;
- (g) a County Government entity;
- (h) Commissions and Independent offices;
- (i) state officers;
- (j) accounting officers;

- (k) receiver of revenue,
- (l) public officers, and
- (m) any other person performing any act or doing such thing that is provided for under these Regulations

4 (1) The object of these Regulations is to set out the procedure for—

Object of the Regulations

- (a) authorization of withdrawal of funds from—
 - (i) the Consolidated Fund and its components,
 - (ii) the Equalization Fund,
 - (iii) a County Revenue Fund and its components, or
 - (iv) any other public fund
- (b) enforcement of budgetary ceilings on national and county government expenditure,
- (c) monitoring, evaluating, reporting and making recommendations to the national and county governments on measures to improve budget implementation,
- (d) preparation and submission of quarterly reports and special reports,
- (e) publishing and publicizing information on budget implementation,
- (f) conduct of investigations as provided under Article 252(1) (a) of the Constitution, and
- (g) conciliation, mediation and negotiation as provided under Article 252(1) (b) of the Constitution

(2) Notwithstanding the provisions of regulation 4(1), these Regulations also provide for—

- (a) documentation to be provided to the Controller of Budget in the exercise of his or her powers and functions, and
- (b) process for requisition and approval of withdrawal of funds from the funds listed under regulation 4(1)

5. (1) Within fourteen days of approval or publication, the National Treasury shall submit the following planning and budget documents to the Controller of Budget—

Submission and review of the national government planning and budgeting documents

- (a) Medium Term Plan,
- (b) Budget Review and Outlook Paper,
- (c) Debt Management Strategy Paper,
- (d) Budget Policy Statement,

- (e) approved budget estimates or Vote-on-Account;
 - (f) submitted budget estimates and Appropriation Bill in case of a Vote-on-Account;
 - (g) the Appropriation Act;
 - (h) the Equalization Fund Appropriation Act;
 - (i) Presidential Warrant;
 - (j) Annual Cash Flow plan;
 - (k) names of authorized signatories for national exchequer account and Equalization Fund account, their specimen signatures and relevant mandate number;
 - (l) annual work plans;
 - (m) the Division of Revenue Act;
 - (n) approved Cash Disbursement Schedules for County Governments;
 - (o) the County Allocation of Revenue Act;
 - (p) evidence that the approved budget estimates or Vote-on-Account has been uploaded in the financial management system prescribed by the National Treasury;
 - (q) a report on unspent cash balances of the previous financial year in the Consolidated Fund and the accounts of national government entities;
 - (r) a report by the National Treasury on adherence with advisories by Controller of Budget on budget issues; and
 - (s) documentary evidence of public participation undertaken in the development of the planning and budget documents.
- (2) Where a supplementary budget is passed within a financial year, the National Treasury shall submit the following planning and budget documents to the Controller of Budget—
- (a) the relevant Supplementary Appropriation Act;
 - (b) Presidential Warrant;
 - (c) supplementary budget estimates approved by the National Assembly; and
 - (d) evidence that the approved supplementary budget estimates has been uploaded in the financial management system prescribed by the National Treasury.
- (3) Where a national government entity revises its planning and budget documents in any given financial year, the Cabinet Secretary shall submit the documents to the Controller of Budget within fourteen days from the date of approval of revision.
- (4) Upon receipt of the documents, the Controller of Budget shall review the documents to ensure compliance with these Regulations and may—

- (a) within fourteen days, make recommendations to the national government entity on measures to improve budget implementation and such recommendation shall be binding on the entity and its public officers; and
- (b) request for any other information that is required in ensuring compliance of the planning and budget documents with the provisions of the Constitution and any other written law

(5) The Controller of Budget may use the documents submitted under this regulation to determine an approval of request for withdrawal of funds under Part II of these Regulations

(6) Where there is the assumption of the Office of President by a President-elect, the Deputy President or the Speaker of the National Assembly under Article 146(2) of the Constitution, the Assumption of Office of President Committee shall submit a copy of the Committee's report to the Controller of Budget within seven days after submitting the report to Parliament

6 (1) Within fourteen days of the approval or publication, a County Treasury shall submit the following documents to the Controller of Budget—

Submission and review of county government planning and budgeting documents

- (a) County Integrated Development Plan,
- (b) Annual Development Plan,
- (c) annual work plan for conditional grants,
- (d) County Budget Review and Outlook Paper,
- (e) County Debt Management Strategy Paper,
- (f) County Fiscal Strategy Paper,
- (g) An Act of County Assembly or subsidiary legislation establishing a fund in accordance with the Public Finance Management Act, 2012,
- (h) submitted budget estimates and Appropriation Bill in case of a Vote-on-Account,
- (i) approved budget estimates or Vote-on-Account,
- (j) an Appropriation Act,
- (k) Governor's Warrant,
- (l) Annual Cash Flow plan,
- (m) refund statement for unspent cash for the previous financial year,
- (n) documentary evidence that public participation was undertaken in the development of the planning and budget documents including a report from the County Budget and Economic Forum as provided for under section 137 of the Public Finance Management Act, 2012.

- (o) evidence of budget estimates uploaded in the financial management system prescribed by the National Treasury; and
- (p) names of authorized signatories for county exchequer account, their specimen signatures and relevant mandate numbers.

(2) Where a supplementary budget is passed within a financial year, a County Treasury shall submit the following planning and budget documents to the Controller of Budget—

- (a) the relevant supplementary Appropriation Act;
- (b) Governor's Warrant;
- (c) supplementary budget estimates approved by a County Assembly; and
- (d) evidence that the approved supplementary budget estimates has been uploaded in the financial management system prescribed by the National Treasury.

(3) Where a county government entity revises its planning and budget documents in any given financial year, the County Treasury shall submit the revised documents to the Controller of Budget within fourteen days from the date of approval of revision.

(4) Upon receipt of the documents, the Controller of Budget shall review the documents to ensure compliance with these Regulations and may —

- (a) within fourteen days, make recommendations to a county government entity on measures to improve budget implementation and such recommendation shall be binding on the entity and its public officers; and
- (b) request for any other information that the Controller of Budget may require in ensuring compliance with the provisions of the Constitution and any other written law.

(5) The Controller of Budget may use the documents submitted under this regulation to determine an approval of request for withdrawal of funds under Part II of these Regulations.

(6) Where there is the assumption of the Office of Governor by a Governor-elect, the Deputy Governor or the Speaker of the County Assembly under Article 182(2) and (4) of the Constitution, the Assumption of Office of County Governor Committee shall submit a copy of the Committee's report to the Controller of Budget within seven days after submitting the report to the County Assembly.

PART II—PROCEDURE FOR APPROVAL OF WITHDRAWAL FROM PUBLIC FUNDS

7. Money shall not be withdrawn from—

Authorization of withdrawal of funds.

- (a) the Consolidated Fund and its components;
- (b) the Equalization Fund,
- (c) a County Revenue Fund and its components, or
- (d) any other public fund,

unless the Controller of Budget has approved the withdrawal.

8 (1) A request to the Controller of Budget by the National Treasury for approval for withdrawal of funds from the Consolidated Fund shall be made in Requisition Form A as prescribed under the Schedule, accompanied by—

Request for approval of withdrawal of funds from the Consolidated Fund

- (a) up to date national exchequer account balance and reconciled national exchequer ledger;
- (b) a record from Central Bank of Kenya of payments awaiting funding,
- (c) a statement of revenue receipts into the Consolidated Fund, and
- (d) up to date national exchequer account statement

(2) In addition to the documents listed in sub- regulation (1), where applicable—

- (a) a request for approval for withdrawal to the County Revenue Fund shall be supported by disbursement schedule and any other document in accordance with section 16 of the Act;
- (b) a request for approval for withdrawal to the Equalization Fund shall be supported by an Appropriation Act and an extract of the approved budget estimates;
- (c) a request for approval for withdrawal for development expenditure for a national government entity, shall be supported by—
 - (i) a schedule of development expenditure in line with the request,
 - (ii) up to date project implementation status report, whether ongoing or stalled projects, relating to the request,
 - (iii) up to date schedule of pending bills and payment plan,
 - (iv) bank statement reflecting the settled pending bills,
 - (v) vote book for development expenditure,
 - (vi) a bank statement of development operational account; and
 - (vii) an extract of the budget estimates approved by the National Assembly

- (d) a request for approval for withdrawal for recurrent expenditure for a national government entity shall be supported by—
 - (i) a summary of the monthly payroll report from an integrated personnel and payroll database, for payment of salaries;
 - (ii) a schedule and analysis of salaries for staff to be paid outside an integrated personnel and payroll database and the reasons thereof;
 - (iii) a schedule of operations and maintenance expenditure, in compliance with the Standard Chart of Accounts, in line with the request;
 - (iv) analysis of operations and maintenance expenditure in a specified manner;
 - (v) up to date schedule of pending bills and payment plan;
 - (vi) bank statement reflecting the settled pending bills;
 - (vii) vote book for recurrent expenditure;
 - (viii) a bank statement of recurrent operational account;
 - (ix) an extract of the budget estimates approved by the National Assembly;
- (e) a request for approval for withdrawal of funds on Vote-on-Account, shall be supported by—
 - (i) communication from the Speaker of the National Assembly confirming the approval of the Vote-on-Account;
 - (ii) budget estimates submitted to the National Assembly by the Cabinet Secretary;
 - (iii) budget estimates approved by the National Assembly, if any;
 - (iv) exchequer ledgers showing not more than one-half ceiling of the budget estimates;
 - (v) evidence that not more than one-half of the budget estimates has been uploaded to the financial management system prescribed by the National Treasury; and
 - (vi) Appropriation Bill;
- (f) a request for approval for withdrawal of funds where there has been stoppage of funds under Article 225(3) of the Constitution and section 97 of the Public Finance Management Act, 2012 shall be supported by—
 - (i) an assessment by the Cabinet Secretary of the national government entity's financial state; or

- (ii) in case of a county government, a recovery plan in accordance with section 99 of the Public Finance Management Act, 2012, provided that for subsequent requests for approval for withdrawal of funds, a county government shall submit a status of implementation of the recovery plan.

(3) In addition to the documents listed in sub- regulation (1), and for the purpose of Consolidated Fund Services, a request for approval of withdrawal —

- (a) into the Judiciary Fund, Parliamentary Fund and any other public funds established under section 24(4) of the Public Finance Management Act, 2012, shall be supported by—
 - (i) published legislation establishing the Fund in accordance with the Public Finance Management Act, 2012, and relevant subsidiary legislation,
 - (ii) an extract of the budget estimates approved by the National Assembly, and
 - (iii) an extract of the approved annual work plan,
- (b) for payment of domestic debt, shall be supported by—
 - (i) a schedule stating redemption amount, interest, bank charges, if any, and any other fees and expenses relating to the borrowing,
 - (ii) Central Bank of Kenya cash call ups,
 - (iii) an up to date schedule of repayments;
 - (iv) analysis of debt level in relation with set ceilings as provided for in section 15 of the Public Finance Management Act, 2012, and
 - (v) monthly overdraft schedule for the overdraft facility.
- (c) for payment of external debt, shall be supported by—
 - (i) a loan agreement stipulating the terms and conditions,
 - (ii) a schedule of the loan agreement stating principal payment and interest, bank charges, commitment fee, penalties, if any, and any other fees and expenses relating to the loan,
 - (iii) an up to date schedule of repayments,
 - (iv) analysis of debt level in relation with set ceilings as provided in section 15 of the Public Finance Management Act, 2012,
 - (v) a legal opinion from the Office of the Attorney General, and
 - (vi) demand note or invoice for settlement of the principal amount or loan interest, where applicable,

- (d) for payment of remuneration of constitutional office holders, shall be supported by a monthly payment schedule of constitutional office holders being remunerated;
- (e) for subscription to an international organization, shall be supported by an invoice from the international organization;
- (f) for payment of pension shall be supported by schedule of pensioners for monthly and lump-sum payment.

(4) For every request for approval for withdrawal of funds from the Consolidated Fund, the National Treasury shall ensure the request submitted to the Controller of Budget—

- (a) is in line with the planning and budget documents;
- (b) contains information by—
 - (i) vote;
 - (ii) programme and sub-programme; and
 - (iii) project; and
- (c) does not exceed budgetary ceilings.

(5) Where the Controller of Budget is not satisfied that the request for withdrawal of funds complies with the law, he or she shall decline to approve the requisition and give reasons thereof within seven days.

(6) Where the Controller of Budget declines to approve the request for withdrawal of funds, the National Treasury shall submit a fresh requisition upon addressing the issues raised by the Controller of Budget.

(7) Where the Controller of Budget is satisfied that the request complies with the law, he or she shall approve the request for withdrawal of funds and submit the approval, in Form B prescribed in the Schedule, to the Central Bank of Kenya and a copy to the National Treasury.

9. A request to the Controller of Budget by the National Treasury for approval for withdrawal of funds from the Equalization Fund shall be made in Requisition Form A as prescribed in the Schedule, accompanied by—

- (a) an up to date Equalization Fund bank statement; and
- (b) an extract of approved annual work plan.

Request for approval for withdrawal of funds from the Equalization Fund.

10 (1) A request to the Controller of Budget by a County Treasury for approval for withdrawal of funds from the County Revenue Fund shall be made in Requisition Form A as prescribed in the Schedule, accompanied by—

Request for approval of withdrawal of funds from the County Revenue Fund

- (a) up to date county exchequer account balance and reconciled exchequer ledger,
- (b) a record from Central Bank of Kenya of payments awaiting funding,
- (c) a statement of revenue receipts into the County Revenue Fund, and
- (d) up to date county exchequer account statement

(2) In addition to the documents listed in sub- regulation (1), where applicable—

- (a) a request for approval for withdrawal of funds for development expenditure, shall be supported by—
 - (i) a schedule of development expenditure in line with the request,
 - (ii) up to date project implementation status report generated from approved project management government system,
 - (iii) up to date schedule of pending bills and payment plan,
 - (iv) bank statements reflecting the settled pending bills,
 - (v) vote book for development expenditure,
 - (vi) bank statement of development operational account, and
 - (vii) an extract of the budget estimates approved by a County Assembly relating to the request
- (b) a request for approval for withdrawal of funds for recurrent expenditure shall be supported by—
 - (i) a summary of the monthly payroll report from an integrated personnel and payroll database, for payment for salaries,
 - (ii) a schedule and analysis of salaries for staff paid outside an integrated personnel and payroll database and the reasons thereof,
 - (iii) a schedule of operations and maintenance expenditure, in compliance with the Standard Chart of accounts, in line with the request,
 - (iv) analysis of the operations and maintenance expenditure in a specified manner,
 - (v) up to date schedule of pending bills and payment plans,

- (vi) bank statement reflecting the settled pending bills;
 - (vii) vote book for recurrent expenditure;
 - (viii) a bank statement of recurrent operational account; and
 - (ix) an extract of the budget estimates approved by a County Assembly relating to the request.
- (c) a request for approval for withdrawal of funds into public funds established under section 110 or 116 of the Public Finance Management Act, 2012, shall be supported by—
- (i) an extract of the budget estimates approved by a County Assembly;
 - (ii) expenditure report on utilization of the previous release;
 - (iii) quarterly financial reports for the Funds; and
 - (iv) an extract of approved annual work plan showing how the funds being requested shall be applied
- (d) a request for approval for withdrawal of funds for conditional grants shall be supported by—
- (i) an agreement or agreements setting out the conditions of the grant;
 - (ii) a county exchequer statement confirming receipt of the conditional grant;
 - (iii) a bank statement for the Special Purpose Account;
 - (iv) an extract of the budget estimates, if any, approved by the County Assembly;
 - (v) expenditure report on utilization of the previous release; and
 - (vi) an extract of approved annual work plan showing how the funds being requested shall be applied.
- (e) a request for approval for withdrawal of funds under Vote-on-Account shall be accompanied by—
- (i) communication from the Speaker of a County Assembly confirming the approval of the Vote on Account;
 - (ii) budget estimates submitted to a County Assembly by the County Executive Committee Member;
 - (iii) budget estimates approved by a County Assembly, if any;
 - (iv) County Exchequer Ledgers showing not more than one-half ceiling of the budget estimates;
 - (v) evidence that not more than one-half of the budget estimates has been uploaded to the financial management system prescribed by the National Treasury; and

(vi) Appropriation Bill

(3) For every request for approval for withdrawal of funds from the County Revenue Fund, the County Treasury shall ensure the request submitted to the Controller of Budget—

- (a) is in line with the planning and budget documents,
- (b) contains information by—
 - (i) vote;
 - (ii) programme and sub-programme; and
 - (iii) project
- (c) does not exceed budgetary ceilings.

(4) Where the Controller of Budget is not satisfied that the request for withdrawal of funds complies with the law, he or she shall decline to approve the request and give reasons thereof within seven days

(5) Where the Controller of Budget declines to approve the request of withdrawal of funds, a County Treasury may submit a fresh requisition upon addressing the issues raised by the Controller of Budget

(6) Where the Controller of Budget is satisfied that the request complies with the law, he or she shall approve the request for withdrawal of funds and submit the approval, in Form B prescribed in the Schedule, to the Central Bank of Kenya and a copy to the County Treasury

11 (1) A request to the Controller of Budget by the National Treasury for approval for withdrawal of funds where the national government needs to spend money that has not been appropriated as envisaged under Article 223(1) of the Constitution shall be made in Requisition Form A as prescribed in the Schedule, supported by the following for justification of expenditure—

- (a) the request from the national government entity, together with reasons indicating that the amount appropriated is insufficient or a need has arisen for expenditure for a purpose for which no amount had been appropriated,
- (b) proposed source of funding for the additional expenditure;
- (c) an approval issued by the Cabinet Secretary for expenditure together with the justification for approval, and
- (d) national exchequer account balances and reconciled exchequer ledgers

(2) Where a request for approval for withdrawal of funds under supplementary appropriation has been submitted, the Controller of Budget shall consider the following factors—

- (a) the reason for the request was unforeseen and unavoidable in circumstances where no budget provision was made,

Request for approval of withdrawal of funds under Article 223(1) of the Constitution

- (b) the need was unavoidable in circumstances where there is an existing budgetary provision which however is inadequate:

Provided that the expenditure, although known when finalising the estimates of the original budget, could not be accommodated within allocations and tariff adjustments and price increases;

- (c) the historical trend of utilization of funds under supplementary appropriation under Article 223 by the respective national government entity;
- (d) that in any particular financial year, the national government may not spend more than ten per cent of the sum appropriated by Parliament for that financial year unless, in special circumstances, Parliament has approved a higher percentage; and
- (e) any other factors as may be relevant in the circumstance.

(3) Where the Controller of Budget is not satisfied that the request for approval for withdrawal of funds complies with the law, he or she may decline to approve the requisition and give reasons thereof within seven days.

(4) Where the Controller of Budget declines to approve the request of withdrawal of funds, the National Treasury may resubmit the request upon addressing the issues raised by the Controller of Budget.

(5) Where the Controller of Budget is satisfied that the request complies with the law, he or she shall approve the request for withdrawal of funds and submit the approval, in Form B as prescribed in the Schedule, to the Central Bank of Kenya and a copy to the National Treasury.

12. (1) A request to the Controller of Budget by a County Treasury for withdrawal of funds where a county government needs to spend money that has not been appropriated by a county appropriation Act as envisaged under section 135(1) of the Public Finance Management Act, 2012 shall be made in Requisition Form A as prescribed in the Schedule, supported by the following for justification of expenditure—

Request for approval of withdrawal of funds under section 135(1) of the Public Finance Management Act, 2012.

- (a) the request from the county government entity, together with reasons indicating that the amount appropriated is insufficient or a need has arisen for expenditure which no amount had been appropriated;
- (b) proposed source of funding for the additional expenditure;
- (c) approval issued by the County Executive Committee Member for expenditure together with the justification for approval; and
- (d) county exchequer account balances and reconciled exchequer ledgers.

(2) Where a request for approval for withdrawal of funds under Supplementary Appropriation has been submitted, the Controller of Budget shall consider the following factors—

- (a) the reason for the request was unforeseen and unavoidable in circumstances where no budget provision was made,
- (b) the need was unavoidable in circumstances where there is an existing budgetary provision which however is inadequate

Provided that the expenditure, although known when finalising the estimates of the original budget, could not be accommodated within allocations and tariff adjustments and price increases

- (c) the historical trend of utilization of funds under section 135 of the Public Finance Management Act, 2012 by the respective county government entity,
- (d) that in any particular financial year, a county government may not spend more than ten per cent of the sum appropriated by a County Assembly for that financial year unless, in special circumstances, the County Assembly has approved a higher percentage; and
- (e) any other factors as may be relevant in the circumstance.

(3) Where the Controller of Budget is not satisfied that the request for approval of withdrawal of funds complies with the law, he or she may decline to approve the request and give reasons thereof within seven days

(4) Where the Controller of Budget declines to approve the request of withdrawal of funds, a County Treasury may resubmit the request upon addressing the issues raised by the Controller of Budget

(5) Where the Controller of Budget is satisfied that the request complies with the law, he or she shall approve the request for withdrawal of funds and submit the approval, in Form B prescribed in the Schedule, to the Central Bank of Kenya and a copy to the respective County Treasury

13 (1) For every request for approval for withdrawal of funds from a public fund which an Act of Parliament or an Act of a County Assembly requires approval of the Controller of Budget shall be made in Requisition Form A as prescribed in the Schedule supported by the following for justification of expenditure—

- (a) an Act of Parliament, an Act of County Assembly or statutory instrument establishing the Fund,
- (b) fund account balance and reconciled ledger of the fund,
- (c) a record from Central Bank of Kenya of payment pending approval;
- (d) up to date fund account statements,
- (e) authorized signatories for the fund account and their specimen signatures, and

Request for approval for withdrawal of funds from a public fund

(f) an extract of approved annual workplan.

(2) Where the Controller of Budget is not satisfied that the request for approval of withdrawal of funds complies with the law, he or she may decline to approve the request and give reasons thereof within seven days.

(3) Where the Controller of Budget declines to approve the request of withdrawal of funds, an accounting officer may resubmit the request upon addressing the issues raised by the Controller of Budget.

(4) Where the Controller of Budget is satisfied that the request complies with the law, he or she shall approve the request for withdrawal of funds and submit the approval, in Form B prescribed in the Schedule, to the Central Bank of Kenya and a copy to the accounting officer.

14. (1) A request for approval for withdrawal of funds subsequent to transfer of power, functions or competencies between the two levels of government shall be made in Form A as prescribed in the Schedule and shall be supported by—

- (a) an Agreement on transfer or delegation of powers, functions or competencies duly executed by an authorized officer;
- (b) a publication of the Agreement in the Kenya Gazette;
- (c) a copy of the notification to the National Assembly of the decision to transfer a national government power, function or competency;
- (d) an extract of approved budget estimates for both levels of government relating to the transferred function;
- (e) a copy of the notification to a county assembly of the decision to transfer the county government power, function or competency; and
- (f) any other document that the Controller of Budget may deem appropriate.

15. (1) The approval for withdrawal of funds issued by the Controller of Budget shall be valid for seven days.

(2) Upon expiry of the seven days, the National Treasury or a County Treasury shall resubmit the requisition for approval of withdrawal of funds in accordance with these Regulations.

16. In order to ensure that the Consolidated Fund, Equalization Fund, County Revenue Fund and any other public funds are not overdrawn, the National Treasury and a County Treasury shall give authority to the Central Bank of Kenya to grant the Controller of Budget real-time viewer rights of the national exchequer Account, a county exchequer account and an account for any other public fund.

Request for withdrawal of funds subsequent to transfer of power, functions or competencies between the two levels of Government.

Validity of approvals by the Controller of Budget for withdrawal of funds.

Overdrawing of funds and real time viewer rights

PART III—MONITORING, EVALUATION AND REPORTING ON
BUDGET IMPLEMENTATION

17. (1) The Controller of Budget shall monitor, evaluate, and make recommendations to Parliament, a County Assembly, the National Treasury and a County Treasury on compliance and measures to ensure compliance with budgetary ceilings.

Compliance and enforcement of budgetary ceilings.

(2) Where a national government entity or county government entity fails to comply with the budgetary ceilings, the Controller of Budget may—

- (a) decline to approve a request for withdrawal of funds giving reasons thereof; or
- (b) make a recommendation to the National Treasury for stoppage of funds.

18. The Controller of Budget may issue an advisory on compliance and enforcement of budgetary ceilings with recommendations to—

Advisory on compliance and enforcement of budgetary ceilings.

- (a) Parliament;
- (b) the National Treasury;
- (c) a County Treasury;
- (d) a County Assembly;
- (e) Auditor General;
- (f) Salaries and Remuneration Commission;
- (g) Commission on Revenue Allocation; or
- (h) any other relevant institution.

19. The Controller of Budget shall monitor, evaluate, and make recommendations on measures to improve budget implementation for—

Monitoring, evaluation and reporting for improvement of budget implementation.

- (a) Parliament;
- (b) Judiciary;
- (c) County Assemblies;
- (d) Commissions and Independent Offices;
- (e) National Government entities; and
- (f) County Governments entities.

20. Within one year of commencement of these Regulations, the Controller of Budget shall develop a monitoring and evaluation framework for purposes of carrying out the functions and powers under the Act and these Regulations.

Development of monitoring, evaluation and reporting framework.

21. (1) When undertaking monitoring and evaluation, the Controller of Budget shall consider the following factors—

Factors to consider when conducting monitoring, evaluation and reporting.

- (a) whether the budget estimates comply with the Program Based Budgeting Approach;
- (b) whether the budget estimates comply with fiscal responsibility principles provided for under sections 15 and 107 of the Public Finance Management Act, 2012;
- (c) the reasonableness of revenue estimates;
- (d) classification and composition between recurrent and development expenditure;
- (e) linkage between policy, planning and budgeting framework;
- (f) prior year comparative data as the baseline for resource allocation in the subsequent periods;
- (g) adherence to Medium Term Expenditure Framework during budget making process;
- (h) adherence to approved budgetary ceilings;
- (i) information on geographical location of projects to monitor or ascertain equity in resource allocation across the country;
- (j) compliance with statutory timelines for budget documents;
- (k) public participation in the budget process;
- (l) actual expenditure against the budget estimates;
- (m) compliance with principles of public finance provided for under Article 201 of the Constitution; and
- (n) any other factors that the Controller of Budget may consider necessary in executing this mandate.

22. (1) For purposes of preparing the quarterly reports under section 9 of the Act, an accounting officer for a national government entity and county government entity shall prepare financial and non-financial report for each quarter of the financial year in respect of the entity in a manner specified by the Controller of Budget.

Submission of quarterly reports to the Controller of Budget.

(2) Not later than the 10th day after the end of every quarter, the accounting officer shall submit a quarterly report to the National Treasury and County Treasury with a copy to the Controller of Budget.

(3) Not later than the 15th day after the end of each quarter, the national treasury and county treasury shall consolidate the quarterly reports under sub-regulation (2) and submit them to the Controller of Budget.

(4) Despite the first quarterly report of the year submitted under this regulation, each subsequent report shall contain cumulative amounts from the beginning of that year.

(5) The National Treasury and a County Treasury entity shall certify the reports before submitting to the Controller of Budget

23 The report submitted by an accounting officer for a county government entity or national government entity under regulation 22 shall include—

Content of the report

- (a) actual revenue receipts disaggregated by revenue streams including appropriation-in-aid,
- (b) report on payments made to the Consolidated Fund Services;
- (c) report on funds released and expenditure by programme, sub-programme and project against the budget estimates.
- (d) expenditures classified in economic classification as follows—
 - (i) compensation to employees;
 - (ii) use of goods and services,
 - (iii) transfer to other levels of government;
 - (iv) capital expenditure, and
 - (v) development expenditure.
- (e) report on outstanding payments, overdue for over ninety days,
- (f) project implementation status report,
- (g) report on stalled projects and the work plan for completing the projects.
- (h) report on established funds by Parliament or a County Assembly,
- (i) projection of expected expenditure and revenue collection for the remainder of the financial year,
- (j) report on the receipts and expenditure of conditional or non-conditional grants, and
- (k) any other information that the Controller of Budget may require for reporting

24 (1) The Controller of Budget shall prepare and submit special reports as provided for under section 10 of the Act

Special reports

(2) For purposes of preparing the special report under section 10 of the Act, an accounting officer shall submit the requisite information as may be requested by the Controller of Budget

PART IV—INVESTIGATIONS

25 The Controller of Budget may conduct investigations on his or her own motion or upon a complaint made by a member of the public on any matter on implementation of the budgets of the national and county governments

Power to investigate

26. The guiding principles for conducting investigations under this Part shall include—

Guiding principles for conducting investigations.

- (a) independence;
- (b) objectivity;
- (c) impartiality;
- (d) fairness; and
- (e) integrity.

27. (1) The Controller of Budget shall be an investigating officer for purposes of the Act and these Regulations.

Investigating officers.

(2) The Controller of Budget may, in writing, delegate the performance of the power conferred on him or her under sub regulation (1) to an officer of the Office.

(3) In addition to the officers delegated under sub regulation (2), the Controller of Budget may designate, in writing, other public officers to be investigating officers for purposes of the Act and these Regulations.

(4) A delegation or designation under this regulation—

- (a) shall be subject to any conditions that the Controller of Budget may impose;
- (b) shall not relieve the Controller of Budget of responsibility concerning the exercise of the performance of the delegated power; and
- (c) may be withdrawn or varied by the Controller of Budget.

(5) An officer delegated or designated under this regulation shall, at all times, perform their functions under the superintendence and direction of the Controller of Budget.

28. (1) A person, other than an investigating officer under these Regulations, shall not present himself or herself to be or act as an investigating officer.

Impersonating investigator.

(2) A person who contravenes sub-regulation (1) commits an offence and is liable on conviction to a fine not exceeding twenty thousand shillings or to imprisonment for a term not exceeding six months, or to both.

29. (1) The Controller of Budget shall conduct a preliminary investigation to determine whether a matter to be investigated raises substantive issues to warrant a full investigation.

Procedure for conducting investigations.

(2) In this regulation, a matter to be investigated raises “substantive issues” where that matter—

- (a) relates to serious or persistent material breach as provided for under section 94 of the Public Finance Management Act, 2012;

- (b) relates to non-compliant in budget implementation including—
- (i) failure of the budget to be in line with the planning documents;
 - (ii) failure to apply approved exchequer as authorized; or
 - (iii) where the budget exceeds the set ceilings;
- (c) relates to falsification of documents.
- (3) If the matter warrants full investigation, the investigating officer shall gather evidence through—
- (a) oral examination;
 - (b) documentary and record evidence;
 - (c) expert evidence; or
 - (d) site inspection.
- (4) An investigating officer shall—
- (a) report on actual or potential conflict of interest, if any;
 - (b) ensure confidentiality;
 - (c) conduct the investigation expeditiously;
 - (d) base his or her findings on facts and related analysis including reasonable inferences;
 - (e) provide the entity or person against whom an allegation or complaint is made an opportunity to respond to the allegations or complaints; and
 - (f) provide any data, information or witnesses that may support their case.
30. An investigating officer may, with the consent of a person or a court warrant, summon a person, enter upon and search any premises for any record, property or other thing reasonably suspected to be in or on the premises and that has not been produced by a person pursuant to a requirement under the provisions of the Act or these Regulations.
31. Upon conclusion of an investigation, the Controller of Budget may—
- (a) make a finding and give recommendations; or
 - (b) refer the complaint to a relevant public body for further action;
32. (1) Where the Cabinet Secretary stops the transfer of funds to a national government entity or county government entity, the Controller of Budget shall conduct investigations and submit a report to Parliament.
- (2) Within fourteen days of the decision of the Cabinet Secretary to stop the transfer of funds, the Controller of Budget shall conduct

Power to
summon, enter
and search.

Action upon
investigation.

Conduct of
investigation on
stoppage of funds.

investigations to ascertain whether the reasons for the decision by the Cabinet Secretary meet the threshold for serious material breach or persistent material breach as provided for under section 94 of the Public Finance Management Act, 2012.

(3) The Controller of Budget shall submit the report to Parliament, giving an independent opinion on the findings and details of material breach or persistent material breach in such manner as to allow Parliament make a decision on whether or not to approve or rescind the Cabinet Secretary's decision to stop the transfer of funds.

(4) The report shall contain recommendations on measures to rectify the breach.

(5) Where the Cabinet Secretary has applied to Parliament to renew a decision to stop the transfer of funds for a period beyond the sixty days, the Controller of Budget shall investigate and prepare a report to Parliament within fourteen days after being informed of the decision to renew the period of stoppage of funds.

PART V—COMPLAINT HANDLING

33. (1) A complaint may be lodged at the offices of the Controller of Budget or at such place or places and in such manner as the Controller of Budget may from time to time determine.

Lodging of complaint.

(2) A complaint may be lodged by the complainant in person or by a person acting on behalf of the complainant or by any other person authorized by law to act for the complainant, provided that the Controller of Budget may admit anonymous complaints.

34. The Controller of Budget shall maintain a register of all complaints received and action taken, including any resolution made.

Register of Complaints.

35. (1) Where the complaint is made orally, or otherwise, or the complainant cannot read or write, the complaint shall be reduced to writing by an authorized officer.

Oral complaint to be reduced to writing.

(2) A written complaint shall be in such manner as the Controller of Budget may determine and shall include—

- (a) the name and contact details of the complainant;
- (b) the particulars of the respondent; and
- (c) the substance of the complaint in sufficient detail to enable the Controller of Budget to act.

(3) The complainant may attach or provide any documents necessary to support the complaint.

(4) Despite the foregoing, a complaint may be made anonymously, or treated in such a manner as to protect the identity of, or particulars of, the complainant where necessary, as may be directed by the Controller of Budget.

36. (1) A complaint shall, upon being entered into the register under regulation 34, be forwarded to the relevant department for screening.

Screening of complaints.

(2) Upon screening the complaint, the Controller of Budget may—

- (a) admit the complaint;
- (b) where appropriate, advise the complainant in writing that the matter is not within the mandate of the Controller of Budget; or
- (c) advise the complainant that the matter lies for determination by another public body or institution and refer the same to that body or institution.

37. (1) Where, in the opinion of the Controller of Budget, a complaint does not merit further consideration, he or she may discontinue further proceedings on the complaint, record his or her reasons and notify the complainant of the discontinuation within fourteen days.

Discontinuation of a complaint.

(2) The Controller of Budget shall inform the complainant of the right to review the decision taken under sub-regulation (1).

38. (1) Where a complaint has been discontinued under regulation 37, the complainant may, in writing, apply to the Controller of Budget for a review of the decision.

Review.

(2) Where a review is disallowed, the complaint shall be closed and the complainant notified in writing.

(3) Where a review is allowed, the provisions of these Regulations shall apply.

39. (1) A complainant may, in writing, withdraw a complaint pending before the Controller of Budget at any stage during its consideration.

Withdrawal and lapse of complaint.

(2) Where a complainant unjustifiably fails or neglects to respond to communication from the Controller of Budget within three months from the date of the last communication, the Controller of Budget may deem the complaint to have lapsed.

(3) Despite the provisions of sub-regulations (1) and (2), the Controller of Budget may, in his or her discretion, proceed to deal with a complaint in the public interest.

(4) Where a complaint has lapsed, the complainant may apply to the Controller of Budget for re-admission of the complaint and give reasons in support of the application for re-admission to the satisfaction of the Controller of Budget.

40. (1) Where two or more complaints are lodged in which the same or similar allegations are raised against a respondent or respondents, the Controller of Budget may—

Joint consideration of complaint.

- (a) consolidate the complaints; or
- (b) treat one complaint as a test complaint and stay further action on the other complaints pending resolution of the test complaint.

(2) The decision on a test complaint shall apply, *mutatis mutandis*, to all other complaints with which the test complaint was consolidated.

41. (1) Upon admission of a complaint, the Controller of Budget shall inform the respondent accordingly. Action on complaint.

(2) Upon the expiry of fourteen days, if there is no response from the respondent, a reminder giving a further fourteen days to respond shall be communicated to the respondent.

(3) If there is still no response, the Controller of Budget may issue summons or make such other orders, as he or she may deem fit.

42. If a respondent fails to respond to the summons or other orders, the Controller of Budget may proceed to determine the complaint in the absence of the respondent or issue any orders. Failure to respond to summons.

43. In resolving a complaint, the Controller of Budget may— Resolution of complaint.

- (a) conduct investigations in accordance with Part IV;
- (b) request and obtain relevant information or documents;
- (c) undertake mediation, negotiation or conciliation in accordance with Part VI;
- (d) refer the complaint to the appropriate public body for further action; or
- (e) determine the complaint appropriately.

PART VI – DISPUTE RESOLUTION

44. The Controller of Budget may resolve any matter, relating to budget implementation, brought before him or her by conciliation, mediation or negotiation as provided for under Article 252(1) (b) of the Constitution. Mediation, conciliation and negotiation.

45. (1) Where the Controller of Budget determines that there is a dispute, he or she shall call upon the parties to resolve the matter amicably within twenty-one days. Procedure for mediation, conciliation or negotiation.

(2) Where the parties resolve the matter amicably, the parties shall record the consent and register the same with the Controller of Budget.

(3) Where the parties fail to resolve the matter amicably, the Controller of Budget shall issue a notice which shall include—

- (a) the names of the parties to the dispute; and
- (b) the date, time and venue of the meeting.

(2) Upon the issuance of a notice, but before the date of the meeting, the Controller of Budget shall constitute a panel comprising

officers or persons with relevant expertise in dispute resolution, as the Controller of Budget may consider necessary

(3) During the meeting, the panel appointed under sub-regulation (2) may apply such procedures as it may, in the interests of the parties, deem appropriate in the circumstances

(4) At the conclusion of the process, the parties shall sign an agreement bearing the Common Seal and the signature of the Controller of Budget

(5) The agreement signed under this regulation shall be deemed to be a determination of the Controller of Budget and shall be enforceable as such

46 (1) Any document required or authorized to be served under this Part shall, where practicable, be served personally on the person by delivering or tendering the document to that person

Service of process

(2) Where it is not possible to effect personal service, the document may be served in such manner as the Controller of Budget may determine

(3) Any document requiring service under this Part shall be served by an authorized officer or any other person authorized to do so by the Controller of Budget.

47 In the determination of disputes under these Regulations, the Controller of Budget shall have due regard to the principles of natural justice and shall not be bound by any legal or technical rules of evidence applicable to proceedings before a court of law

Principles of natural justice

PART VII—MISCELLANEOUS PROVISIONS

48 The Controller of Budget shall not charge any fee in the lodging and determination of complaints and disputes

Fees

49 A person who fails to comply with these Regulations and where a penalty has not been provided for, commits an offence and shall be liable upon conviction to the penalty provided for under Section 22 of the Act

Offences

50 Any document submitted to the Controller of Budget under these Regulations shall be certified

Certification of documents

51 (1) The Controller of Budget shall provide information on budget implementation matters to the public, by publishing and publicizing quarterly and special reports

Access to information

(2) The Controller of Budget may avail the information to the public through—

- (a) the Controller of Budget's official website,
- (b) print media,
- (c) electronic media, or
- (d) public fora,

(3) The Controller of Budget shall sensitize the public on budget implementation

(4) In exercising his or her functions and powers under these Regulations, the Controller of Budget shall be bound by the provisions of the Access to Information Act, 2016.

No. 31 of 2016
Issuance of
circulars.

52. The Controller of Budget may issue circulars to a national government entity or a county government entity on budget implementation on measures to improve budget implementation and for compliance purposes.

53. (1) The Controller of Budget shall maintain confidence in respect of all matters that come to his or her knowledge in the exercise of their duties.

Management of
information.

(2) Subject to the provisions of Article 35 of the Constitution, the Controller of Budget shall not be called to give evidence in respect of any matter that comes to their knowledge in the exercise of their duties.

(3) Notwithstanding sub-regulation (1), the Controller of Budget may disclose in any report made by him or her, any matter that in the opinion of the Controller of Budget may be disclosed in order to establish grounds for the Controller of Budget's findings and recommendations.

54. Subject to the Public Archives and Documentation Service Act, 1965, the Controller of Budget shall maintain a database of—

Record
management.

Cap. 19

- (a) planning and budget documents submitted under regulation 5 and 6;
- (b) requests for approval for withdrawal of funds;
- (c) authorization for withdrawal of funds;
- (d) reports prepared by the Controller of Budget under the Act and these Regulations; and
- (e) any other relevant information.

55. The Controller of Budget may digitize the processes involved in budget implementation including authorization for withdrawal of funds to enhance efficiency.

Digitization.

SCHEDULE

[rr.8(1), 8(8), 9, 10 (1), 10(1), 10(7), 11(1), 11(6), 12(1), 13(1), 13(5) and 14(1)]

REQUISITION FORM A

[Insert logo, physical and postal address]

Ref. No.....

Date:.....

The Controller of Budget

Office of the Controller of Budget

P. O. Box 35616-00100

NAIROBI

REQUEST FOR APPROVAL TO WITHDRAW FUNDS

FROM _____ *{Insert name of appropriate Fund}*

In accordance with Article _____ *{Insert appropriate Article}* of the Constitution of Kenya, Section 5 (a) of the Controller of Budget Act, 2016, Section _____ *{Insert as appropriate}* of the Public Finance Management Act, 2012 and the Appropriation Act No. ____ of 20__ *{Insert as appropriate}*, the National Treasury /County Treasury *{delete as appropriate}*, requests you to authorize the approval to withdraw of funds from the _____ *{Insert name of appropriate Fund}*, in the sum of Ksh. _____ *{Insert amount in words}*, to meet the cost of services for _____ *{Insert appropriate classification of expenditure}*, for the year ending 30th June 20 ____.

Authorized SignatoryName:.....Designation:.....Mandate number:.....Signature:.....

Signed in.....on.....

Encl.

ANNEX

| National/County Code | Account Number | Account Title | Amount (Kshs.) |
|----------------------|----------------|---------------|----------------|
| | | | |
| | | | |

AUTHORIZATION FOR WITHDRAWAL OF FUNDS FORM B
OFFICE OF THE CONTROLLER OF BUDGET



Tel: 020 2211068, 0738466721, 0709910000
Email: cob@cob.go.ke/info@cob.go.ke
Website: www.cob.go.ke



Bima House, 12th Floor
Harambee Avenue
P.O. Box 35616-00100
Nairobi Kenya

Ref. No.....
Date:.....

Central Bank of Kenya
P. O. Box 60000 - 00200

NAIROBI

APPROVAL TO WITHDRAW FUNDS FROM

_____ {Insert name
of appropriate fund}

FUND FOR THE FINANCIAL YEAR 20___/20___

Ref No. _____ {Insert relevant Form A reference} Date: _____
_____ {Insert date of relevant Form A}

By virtue of Article _____ {Insert appropriate Article} of the Constitution of Kenya, Section 5 (a) of the Controller of Budget Act, 2016, Section _____ {Insert appropriate section} of the Public Finance Management Act, 2012 and the Appropriation Act No. ___ of 20___ and the request for approval to withdraw funds from _____ {Insert name of appropriate fund} I hereby authorize the withdrawal of Kshs. _____ {Insert amount in words} from the _____ {Insert name of appropriate fund} to the _____ {Insert name of specific account of Parliament, Judiciary, a national government entity or a county government entity) for the services of the year ending 30th June, 20___.

_____ {Signature}

CONTROLLER OF BUDGET

Copy to: National Treasury/County Treasury {delete as appropriate}

P.O BOX _____ {Insert physical address}

Made on the....., 2021.

MARGARET NYAKANG'O,
Controller of Budget.

SPECIAL ISSUE

1919

Kenya Gazette Supplement No. 226

3rd December, 2021

(Legislative Supplement No. 101)

LEGAL NOTICE NO. 254

THE CONTROLLER OF BUDGET ACT

(No. 26 of 2016)

THE CONTROLLER OF BUDGET REGULATIONS, 2021

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18. Advisory on compliance and enforcement of budgetary ceilings.
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SCHEDULE

THE CONTROLLER OF BUDGET ACT

(No 26 of 2016)

IN EXERCISE of the powers conferred by section 25 of the Controller of Budget Act, the Controller of Budget makes the following Regulations—

THE CONTROLLER OF BUDGET REGULATIONS, 2021

PART I — PRELIMINARY

- 1 These Regulations may be cited as the Controller of Budget Regulations, 2021 Citation
- 2 (1) In these Regulations, unless the context otherwise requires— Interpretation
- “Act” means the Controller of Budget Act, 2016, No 26 of 2016
- “accounting officer” has the meaning assigned to it under section 2 of the Public Finance Management Act, 2012, No 18 of 2012
- “any other public funds” has the meaning assigned to it under section 2 of the Act,
- “budgetary ceilings” has the meaning assigned to it under regulation 2 of the Public Finance Management (National Government) Regulations, 2015, LN No 34/2015
- “Cabinet Secretary” has the meaning assigned to it under section 2 of the Act,
- “consolidated fund services” has the meaning assigned to it under regulation 2 of the Public Finance Management (National Government) Regulations, 2015,
- “Controller of Budget” has the meaning assigned to it under the Act,
- “control ledger” means—
- (a) the Consolidated Fund Control Ledger,
 - (b) the Equalization Fund Control Ledger,
 - (c) County Revenue Fund Control Ledger; and
 - (d) Control Ledger for any other public fund that show the vote, appropriated amounts, revenue receipts, and cumulative approved withdrawal amounts,
- “County Executive Committee Member” means the County Executive Committee Member responsible for matters relating to finance,
- “county exchequer account” has the meaning assigned to it under section 2 of the Public Finance Management Act, 2012,
- “county government entity” has the meaning assigned to it under section 2 of the Public Finance Management Act, 2012,

“County Treasury” has the meaning assigned to it under section 2 of the Public Finance Management Act, 2012;

“exchequer ledger” means a record of revenue receipts into and withdrawals from the exchequer account maintained by the National Treasury or a County Treasury;

“National Exchequer Account” has the meaning assigned to it under section 2 of the Public Finance Management Act, 2012;

“national government entity” has the meaning assigned to it under section 2 of the Public Finance Management Act, 2012;

“National Treasury” has the meaning assigned to it under section 2 of the Public Finance Management Act, 2012;

“pending bills” means unsettled financial obligations by the national or county government entities at the close of financial year;

“Public Debt Management Office” means the Office established under section 62(1) of the Public Finance Management Act, 2012;

“public officer” has the meaning assigned to it under Article 260 of the Constitution;

“publicise” has the meaning assigned to it under section 2 of the Public Finance Management Act, 2012;

“publish” has the meaning assigned to it under section 2 of the Public Finance Management Act, 2012;

“receiver of revenue” has the meaning assigned to it under section 2 of the Public Finance Management Act, 2012;

“vote” has the meaning assigned to it under section 2 of the Public Finance Management Act, 2012; and

“Vote-on-Account” has the meaning assigned to it under regulation 2 of the Public Finance Management Act (National Government) Regulations, 2015.

3. These Regulations shall apply to—

Application.

- (a) Parliament;
- (b) Judiciary;
- (c) a County Assembly;
- (d) the National Treasury;
- (e) a County Treasury;
- (f) a National Government entity;
- (g) a County Government entity;
- (h) Commissions and Independent offices;
- (i) state officers;
- (j) accounting officers;

- (k) receiver of revenue,
- (l) public officers, and
- (m) any other person performing any act or doing such thing that is provided for under these Regulations

4. (1) The object of these Regulations is to set out the procedure for— Object of the Regulations

- (a) authorization of withdrawal of funds from—
 - (i) the Consolidated Fund and its components,
 - (ii) the Equalization Fund,
 - (iii) a County Revenue Fund and its components, or
 - (iv) any other public fund
- (b) enforcement of budgetary ceilings on national and county government expenditure,
- (c) monitoring, evaluating, reporting and making recommendations to the national and county governments on measures to improve budget implementation.
- (d) preparation and submission of quarterly reports and special reports,
- (e) publishing and publicizing information on budget implementation,
- (f) conduct of investigations as provided under Article 252(1) (a) of the Constitution, and
- (g) conciliation, mediation and negotiation as provided under Article 252(1) (b) of the Constitution

(2) Notwithstanding the provisions of regulation 4(1), these Regulations also provide for—

- (a) documentation to be provided to the Controller of Budget in the exercise of his or her powers and functions, and
- (b) process for requisition and approval of withdrawal of funds from the funds listed under regulation 4(1)

5. (1) Within fourteen days of approval or publication, the National Treasury shall submit the following planning and budget documents to the Controller of Budget—

- (a) Medium Term Plan,
- (b) Budget Review and Outlook Paper,
- (c) Debt Management Strategy Paper,
- (d) Budget Policy Statement;

Submission and review of the national government planning and budgeting documents

- (e) approved budget estimates or Vote-on-Account;
 - (f) submitted budget estimates and Appropriation Bill in case of a Vote-on-Account;
 - (g) the Appropriation Act;
 - (h) the Equalization Fund Appropriation Act;
 - (i) Presidential Warrant;
 - (j) Annual Cash Flow plan;
 - (k) names of authorized signatories for national exchequer account and Equalization Fund account, their specimen signatures and relevant mandate number;
 - (l) annual work plans;
 - (m) the Division of Revenue Act;
 - (n) approved Cash Disbursement Schedules for County Governments;
 - (o) the County Allocation of Revenue Act;
 - (p) evidence that the approved budget estimates or Vote-on-Account has been uploaded in the financial management system prescribed by the National Treasury;
 - (q) a report on unspent cash balances of the previous financial year in the Consolidated Fund and the accounts of national government entities;
 - (r) a report by the National Treasury on adherence with advisories by Controller of Budget on budget issues; and
 - (s) documentary evidence of public participation undertaken in the development of the planning and budget documents.
- (2) Where a supplementary budget is passed within a financial year, the National Treasury shall submit the following planning and budget documents to the Controller of Budget—
- (a) the relevant Supplementary Appropriation Act;
 - (b) Presidential Warrant;
 - (c) supplementary budget estimates approved by the National Assembly; and
 - (d) evidence that the approved supplementary budget estimates has been uploaded in the financial management system prescribed by the National Treasury.
- (3) Where a national government entity revises its planning and budget documents in any given financial year, the Cabinet Secretary shall submit the documents to the Controller of Budget within fourteen days from the date of approval of revision.
- (4) Upon receipt of the documents, the Controller of Budget shall review the documents to ensure compliance with these Regulations and may—

- (a) within fourteen days, make recommendations to the national government entity on measures to improve budget implementation and such recommendation shall be binding on the entity and its public officers, and
- (b) request for any other information that is required in ensuring compliance of the planning and budget documents with the provisions of the Constitution and any other written law

(5) The Controller of Budget may use the documents submitted under this regulation to determine an approval of request for withdrawal of funds under Part II of these Regulations.

(6) Where there is the assumption of the Office of President by a President-elect, the Deputy President or the Speaker of the National Assembly under Article 146(2) of the Constitution, the Assumption of Office of President Committee shall submit a copy of the Committee's report to the Controller of Budget within seven days after submitting the report to Parliament

6 (1) Within fourteen days of the approval or publication, a County Treasury shall submit the following documents to the Controller of Budget—

Submission and review of county government planning and budgeting documents

- (a) County Integrated Development Plan,
- (b) Annual Development Plan,
- (c) annual work plan for conditional grants,
- (d) County Budget Review and Outlook Paper,
- (e) County Debt Management Strategy Paper,
- (f) County Fiscal Strategy Paper,
- (g) An Act of County Assembly or subsidiary legislation establishing a fund in accordance with the Public Finance Management Act, 2012,
- (h) submitted budget estimates and Appropriation Bill in case of a Vote-on-Account,
- (i) approved budget estimates or Vote-on-Account,
- (j) an Appropriation Act,
- (k) Governor's Warrant,
- (l) Annual Cash Flow plan,
- (m) refund statement for unspent cash for the previous financial year,
- (n) documentary evidence that public participation was undertaken in the development of the planning and budget documents including a report from the County Budget and Economic Forum as provided for under section 137 of the Public Finance Management Act, 2012.

- (o) evidence of budget estimates uploaded in the financial management system prescribed by the National Treasury; and
- (p) names of authorized signatories for county exchequer account, their specimen signatures and relevant mandate numbers.

(2) Where a supplementary budget is passed within a financial year, a County Treasury shall submit the following planning and budget documents to the Controller of Budget—

- (a) the relevant supplementary Appropriation Act;
- (b) Governor's Warrant;
- (c) supplementary budget estimates approved by a County Assembly; and
- (d) evidence that the approved supplementary budget estimates has been uploaded in the financial management system prescribed by the National Treasury.

(3) Where a county government entity revises its planning and budget documents in any given financial year, the County Treasury shall submit the revised documents to the Controller of Budget within fourteen days from the date of approval of revision.

(4) Upon receipt of the documents, the Controller of Budget shall review the documents to ensure compliance with these Regulations and may —

- (a) within fourteen days, make recommendations to a county government entity on measures to improve budget implementation and such recommendation shall be binding on the entity and its public officers; and
- (b) request for any other information that the Controller of Budget may require in ensuring compliance with the provisions of the Constitution and any other written law.

(5) The Controller of Budget may use the documents submitted under this regulation to determine an approval of request for withdrawal of funds under Part II of these Regulations.

(6) Where there is the assumption of the Office of Governor by a Governor-elect, the Deputy Governor or the Speaker of the County Assembly under Article 182(2) and (4) of the Constitution, the Assumption of Office of County Governor Committee shall submit a copy of the Committee's report to the Controller of Budget within seven days after submitting the report to the County Assembly.

PART II—PROCEDURE FOR APPROVAL OF WITHDRAWAL FROM PUBLIC FUNDS

7. Money shall not be withdrawn from—

Authorization of withdrawal of funds.

- (a) the Consolidated Fund and its components,
- (b) the Equalization Fund,
- (c) a County Revenue Fund and its components; or
- (d) any other public fund,

unless the Controller of Budget has approved the withdrawal

8 (1) A request to the Controller of Budget by the National Treasury for approval for withdrawal of funds from the Consolidated Fund shall be made in Requisition Form A as prescribed under the Schedule, accompanied by—

Request for approval of withdrawal of funds from the Consolidated Fund

- (a) up to date national exchequer account balance and reconciled national exchequer ledger.
- (b) a record from Central Bank of Kenya of payments awaiting funding.
- (c) a statement of revenue receipts into the Consolidated Fund, and
- (d) up to date national exchequer account statement

(2) In addition to the documents listed in sub- regulation (1), where applicable—

- (a) a request for approval for withdrawal to the County Revenue Fund shall be supported by disbursement schedule and any other document in accordance with section 16 of the Act,
- (b) a request for approval for withdrawal to the Equalization Fund shall be supported by an Appropriation Act and an extract of the approved budget estimates,
- (c) a request for approval for withdrawal for development expenditure for a national government entity, shall be supported by—
 - (i) a schedule of development expenditure in line with the request,
 - (ii) up to date project implementation status report, whether ongoing or stalled projects, relating to the request;
 - (iii) up to date schedule of pending bills and payment plan,
 - (iv) bank statement reflecting the settled pending bills,
 - (v) vote book for development expenditure,
 - (vi) a bank statement of development operational account, and
 - (vii) an extract of the budget estimates approved by the National Assembly.

- (d) a request for approval for withdrawal for recurrent expenditure for a national government entity shall be supported by—
 - (i) a summary of the monthly payroll report from an integrated personnel and payroll database, for payment of salaries;
 - (ii) a schedule and analysis of salaries for staff to be paid outside an integrated personnel and payroll database and the reasons thereof;
 - (iii) a schedule of operations and maintenance expenditure, in compliance with the Standard Chart of Accounts, in line with the request;
 - (iv) analysis of operations and maintenance expenditure in a specified manner;
 - (v) up to date schedule of pending bills and payment plan;
 - (vi) bank statement reflecting the settled pending bills;
 - (vii) vote book for recurrent expenditure;
 - (viii) a bank statement of recurrent operational account;
 - (ix) an extract of the budget estimates approved by the National Assembly;
- (e) a request for approval for withdrawal of funds on Vote-on-Account, shall be supported by—
 - (i) communication from the Speaker of the National Assembly confirming the approval of the Vote-on-Account;
 - (ii) budget estimates submitted to the National Assembly by the Cabinet Secretary;
 - (iii) budget estimates approved by the National Assembly, if any;
 - (iv) exchequer ledgers showing not more than one-half ceiling of the budget estimates;
 - (v) evidence that not more than one-half of the budget estimates has been uploaded to the financial management system prescribed by the National Treasury; and
 - (vi) Appropriation Bill;
- (f) a request for approval for withdrawal of funds where there has been stoppage of funds under Article 225(3) of the Constitution and section 97 of the Public Finance Management Act, 2012 shall be supported by—
 - (i) an assessment by the Cabinet Secretary of the national government entity's financial state; or

- (ii) in case of a county government, a recovery plan in accordance with section 99 of the Public Finance Management Act, 2012, provided that for subsequent requests for approval for withdrawal of funds, a county government shall submit a status of implementation of the recovery plan

(3) In addition to the documents listed in sub-regulation (1), and for the purpose of Consolidated Fund Services, a request for approval of withdrawal —

- (a) into the Judiciary Fund, Parliamentary Fund and any other public funds established under section 24(4) of the Public Finance Management Act, 2012, shall be supported by—
 - (i) published legislation establishing the Fund in accordance with the Public Finance Management Act, 2012, and relevant subsidiary legislation,
 - (ii) an extract of the budget estimates approved by the National Assembly, and
 - (iii) an extract of the approved annual work plan;
- (b) for payment of domestic debt, shall be supported by—
 - (i) a schedule stating redemption amount, interest, bank charges, if any, and any other fees and expenses relating to the borrowing,
 - (ii) Central Bank of Kenya cash call ups,
 - (iii) an up to date schedule of repayments,
 - (iv) analysis of debt level in relation with set ceilings as provided for in section 15 of the Public Finance Management Act, 2012, and
 - (v) monthly overdraft schedule for the overdraft facility.
- (c) for payment of external debt, shall be supported by—
 - (i) a loan agreement stipulating the terms and conditions,
 - (ii) a schedule of the loan agreement stating principal payment and interest, bank charges, commitment fee, penalties, if any, and any other fees and expenses relating to the loan;
 - (iii) an up to date schedule of repayments,
 - (iv) analysis of debt level in relation with set ceilings as provided in section 15 of the Public Finance Management Act, 2012,
 - (v) a legal opinion from the Office of the Attorney General, and
 - (vi) demand note or invoice for settlement of the principal amount or loan interest, where applicable,

- (d) for payment of remuneration of constitutional office holders, shall be supported by a monthly payment schedule of constitutional office holders being remunerated;
- (e) for subscription to an international organization, shall be supported by an invoice from the international organization;
- (f) for payment of pension shall be supported by schedule of pensioners for monthly and lump-sum payment.

(4) For every request for approval for withdrawal of funds from the Consolidated Fund, the National Treasury shall ensure the request submitted to the Controller of Budget—

- (a) is in line with the planning and budget documents;
- (b) contains information by—
 - (i) vote;
 - (ii) programme and sub-programme; and
 - (iii) project; and
- (c) does not exceed budgetary ceilings.

(5) Where the Controller of Budget is not satisfied that the request for withdrawal of funds complies with the law, he or she shall decline to approve the requisition and give reasons thereof within seven days.

(6) Where the Controller of Budget declines to approve the request for withdrawal of funds, the National Treasury shall submit a fresh requisition upon addressing the issues raised by the Controller of Budget.

(7) Where the Controller of Budget is satisfied that the request complies with the law, he or she shall approve the request for withdrawal of funds and submit the approval, in Form B prescribed in the Schedule, to the Central Bank of Kenya and a copy to the National Treasury.

9. A request to the Controller of Budget by the National Treasury for approval for withdrawal of funds from the Equalization Fund shall be made in Requisition Form A as prescribed in the Schedule, accompanied by—

- (a) an up to date Equalization Fund bank statement; and
- (b) an extract of approved annual work plan.

Request for approval for withdrawal of funds from the Equalization Fund.

10 (1) A request to the Controller of Budget by a County Treasury for approval for withdrawal of funds from the County Revenue Fund shall be made in Requisition Form A as prescribed in the Schedule, accompanied by—

Request for approval of withdrawal of funds from the County Revenue Fund

- (a) up to date county exchequer account balance and reconciled exchequer ledger,
- (b) a record from Central Bank of Kenya of payments awaiting funding,
- (c) a statement of revenue receipts into the County Revenue Fund, and
- (d) up to date county exchequer account statement

(2) In addition to the documents listed in sub- regulation (1), where applicable—

- (a) a request for approval for withdrawal of funds for development expenditure, shall be supported by—
 - (i) a schedule of development expenditure in line with the request,
 - (ii) up to date project implementation status report generated from approved project management government system,
 - (iii) up to date schedule of pending bills and payment plan,
 - (iv) bank statements reflecting the settled pending bills,
 - (v) vote book for development expenditure,
 - (vi) bank statement of development operational account, and
 - (vii) an extract of the budget estimates approved by a County Assembly relating to the request
- (b) a request for approval for withdrawal of funds for recurrent expenditure shall be supported by—
 - (i) a summary of the monthly payroll report from an integrated personnel and payroll database, for payment for salaries,
 - (ii) a schedule and analysis of salaries for staff paid outside an integrated personnel and payroll database and the reasons thereof.
 - (iii) a schedule of operations and maintenance expenditure, in compliance with the Standard Chart of accounts, in line with the request,
 - (iv) analysis of the operations and maintenance expenditure in a specified manner;
 - (v) up to date schedule of pending bills and payment plans,

- (vi) bank statement reflecting the settled pending bills;
 - (vii) vote book for recurrent expenditure;
 - (viii) a bank statement of recurrent operational account; and
 - (ix) an extract of the budget estimates approved by a County Assembly relating to the request.
- (c) a request for approval for withdrawal of funds into public funds established under section 110 or 116 of the Public Finance Management Act, 2012, shall be supported by—
- (i) an extract of the budget estimates approved by a County Assembly;
 - (ii) expenditure report on utilization of the previous release;
 - (iii) quarterly financial reports for the Funds; and
 - (iv) an extract of approved annual work plan showing how the funds being requested shall be applied
- (d) a request for approval for withdrawal of funds for conditional grants shall be supported by—
- (i) an agreement or agreements setting out the conditions of the grant;
 - (ii) a county exchequer statement confirming receipt of the conditional grant;
 - (iii) a bank statement for the Special Purpose Account;
 - (iv) an extract of the budget estimates, if any, approved by the County Assembly;
 - (v) expenditure report on utilization of the previous release; and
 - (vi) an extract of approved annual work plan showing how the funds being requested shall be applied.
- (e) a request for approval for withdrawal of funds under Vote-on-Account shall be accompanied by—
- (i) communication from the Speaker of a County Assembly confirming the approval of the Vote on Account;
 - (ii) budget estimates submitted to a County Assembly by the County Executive Committee Member;
 - (iii) budget estimates approved by a County Assembly, if any;
 - (iv) County Exchequer Ledgers showing not more than one-half ceiling of the budget estimates;
 - (v) evidence that not more than one-half of the budget estimates has been uploaded to the financial management system prescribed by the National Treasury; and

(vi) Appropriation Bill

(3) For every request for approval for withdrawal of funds from the County Revenue Fund, the County Treasury shall ensure the request submitted to the Controller of Budget—

- (a) is in line with the planning and budget documents,
- (b) contains information by—
 - (i) vote,
 - (ii) programme and sub-programme, and
 - (iii) project
- (c) does not exceed budgetary ceilings

(4) Where the Controller of Budget is not satisfied that the request for withdrawal of funds complies with the law, he or she shall decline to approve the request and give reasons thereof within seven days

(5) Where the Controller of Budget declines to approve the request of withdrawal of funds, a County Treasury may submit a fresh requisition upon addressing the issues raised by the Controller of Budget

(6) Where the Controller of Budget is satisfied that the request complies with the law, he or she shall approve the request for withdrawal of funds and submit the approval, in Form B prescribed in the Schedule, to the Central Bank of Kenya and a copy to the County Treasury

11 (1) A request to the Controller of Budget by the National Treasury for approval for withdrawal of funds where the national government needs to spend money that has not been appropriated as envisaged under Article 223(1) of the Constitution shall be made in Requisition Form A as prescribed in the Schedule, supported by the following for justification of expenditure—

- (a) the request from the national government entity, together with reasons indicating that the amount appropriated is insufficient or a need has arisen for expenditure for a purpose for which no amount had been appropriated,
- (b) proposed source of funding for the additional expenditure,
- (c) an approval issued by the Cabinet Secretary for expenditure together with the justification for approval, and
- (d) national exchequer account balances and reconciled exchequer ledgers

(2) Where a request for approval for withdrawal of funds under supplementary appropriation has been submitted, the Controller of Budget shall consider the following factors—

- (a) the reason for the request was unforeseen and unavoidable in circumstances where no budget provision was made.

Request for approval of withdrawal of funds under Article 223(1) of the Constitution

- (b) the need was unavoidable in circumstances where there is an existing budgetary provision which however is inadequate:

Provided that the expenditure, although known when finalising the estimates of the original budget, could not be accommodated within allocations and tariff adjustments and price increases;

- (c) the historical trend of utilization of funds under supplementary appropriation under Article 223 by the respective national government entity;
- (d) that in any particular financial year, the national government may not spend more than ten per cent of the sum appropriated by Parliament for that financial year unless, in special circumstances, Parliament has approved a higher percentage; and
- (e) any other factors as may be relevant in the circumstance.

(3) Where the Controller of Budget is not satisfied that the request for approval for withdrawal of funds complies with the law, he or she may decline to approve the requisition and give reasons thereof within seven days.

(4) Where the Controller of Budget declines to approve the request of withdrawal of funds, the National Treasury may resubmit the request upon addressing the issues raised by the Controller of Budget.

(5) Where the Controller of Budget is satisfied that the request complies with the law, he or she shall approve the request for withdrawal of funds and submit the approval, in Form B as prescribed in the Schedule, to the Central Bank of Kenya and a copy to the National Treasury.

12. (1) A request to the Controller of Budget by a County Treasury for withdrawal of funds where a county government needs to spend money that has not been appropriated by a county appropriation Act as envisaged under section 135(1) of the Public Finance Management Act, 2012 shall be made in Requisition Form A as prescribed in the Schedule, supported by the following for justification of expenditure—

Request for approval of withdrawal of funds under section 135(1) of the Public Finance Management Act, 2012.

- (a) the request from the county government entity, together with reasons indicating that the amount appropriated is insufficient or a need has arisen for expenditure which no amount had been appropriated;
- (b) proposed source of funding for the additional expenditure;
- (c) approval issued by the County Executive Committee Member for expenditure together with the justification for approval; and
- (d) county exchequer account balances and reconciled exchequer ledgers.

(2) Where a request for approval for withdrawal of funds under Supplementary Appropriation has been submitted, the Controller of Budget shall consider the following factors—

- (a) the reason for the request was unforeseen and unavoidable in circumstances where no budget provision was made,
- (b) the need was unavoidable in circumstances where there is an existing budgetary provision which however is inadequate

Provided that the expenditure, although known when finalising the estimates of the original budget, could not be accommodated within allocations and tariff adjustments and price increases.

- (c) the historical trend of utilization of funds under section 135 of the Public Finance Management Act, 2012 by the respective county government entity,
- (d) that in any particular financial year, a county government may not spend more than ten per cent of the sum appropriated by a County Assembly for that financial year unless, in special circumstances, the County Assembly has approved a higher percentage, and
- (e) any other factors as may be relevant in the circumstance.

(3) Where the Controller of Budget is not satisfied that the request for approval of withdrawal of funds complies with the law, he or she may decline to approve the request and give reasons thereof within seven days

(4) Where the Controller of Budget declines to approve the request of withdrawal of funds, a County Treasury may resubmit the request upon addressing the issues raised by the Controller of Budget

(5) Where the Controller of Budget is satisfied that the request complies with the law, he or she shall approve the request for withdrawal of funds and submit the approval, in Form B prescribed in the Schedule, to the Central Bank of Kenya and a copy to the respective County Treasury

13 (1) For every request for approval for withdrawal of funds from a public fund which an Act of Parliament or an Act of a County Assembly requires approval of the Controller of Budget shall be made in Requisition Form A as prescribed in the Schedule supported by the following for justification of expenditure—

- (a) an Act of Parliament, an Act of County Assembly or statutory instrument establishing the Fund,
- (b) fund account balance and reconciled ledger of the fund,
- (c) a record from Central Bank of Kenya of payment pending approval;
- (d) up to date fund account statements,
- (e) authorized signatories for the fund account and their specimen signatures, and

Request for approval for withdrawal of funds from a public fund

(f) an extract of approved annual workplan.

(2) Where the Controller of Budget is not satisfied that the request for approval of withdrawal of funds complies with the law, he or she may decline to approve the request and give reasons thereof within seven days.

(3) Where the Controller of Budget declines to approve the request of withdrawal of funds, an accounting officer may resubmit the request upon addressing the issues raised by the Controller of Budget.

(4) Where the Controller of Budget is satisfied that the request complies with the law, he or she shall approve the request for withdrawal of funds and submit the approval, in Form B prescribed in the Schedule, to the Central Bank of Kenya and a copy to the accounting officer.

14. (1) A request for approval for withdrawal of funds subsequent to transfer of power, functions or competencies between the two levels of government shall be made in Form A as prescribed in the Schedule and shall be supported by—

- (a) an Agreement on transfer or delegation of powers, functions or competencies duly executed by an authorized officer;
- (b) a publication of the Agreement in the Kenya Gazette;
- (c) a copy of the notification to the National Assembly of the decision to transfer a national government power, function or competency;
- (d) an extract of approved budget estimates for both levels of government relating to the transferred function;
- (e) a copy of the notification to a county assembly of the decision to transfer the county government power, function or competency; and
- (f) any other document that the Controller of Budget may deem appropriate.

15. (1) The approval for withdrawal of funds issued by the Controller of Budget shall be valid for seven days.

(2) Upon expiry of the seven days, the National Treasury or a County Treasury shall resubmit the requisition for approval of withdrawal of funds in accordance with these Regulations.

16. In order to ensure that the Consolidated Fund, Equalization Fund, County Revenue Fund and any other public funds are not overdrawn, the National Treasury and a County Treasury shall give authority to the Central Bank of Kenya to grant the Controller of Budget real-time viewer rights of the national exchequer Account, a county exchequer account and an account for any other public fund.

Request for withdrawal of funds subsequent to transfer of power, functions or competencies between the two levels of Government.

Validity of approvals by the Controller of Budget for withdrawal of funds.

Overdrawing of funds and real time viewer rights

**PART III—MONITORING, EVALUATION AND REPORTING ON
BUDGET IMPLEMENTATION**

17 (1) The Controller of Budget shall monitor, evaluate, and make recommendations to Parliament, a County Assembly, the National Treasury and a County Treasury on compliance and measures to ensure compliance with budgetary ceilings

Compliance and enforcement of budgetary ceilings

(2) Where a national government entity or county government entity fails to comply with the budgetary ceilings, the Controller of Budget may—

- (a) decline to approve a request for withdrawal of funds giving reasons thereof, or
- (b) make a recommendation to the National Treasury for stoppage of funds

18. The Controller of Budget may issue an advisory on compliance and enforcement of budgetary ceilings with recommendations to—

Advisory on compliance and enforcement of budgetary ceilings

- (a) Parliament,
- (b) the National Treasury,
- (c) a County Treasury,
- (d) a County Assembly;
- (e) Auditor General,
- (f) Salaries and Remuneration Commission,
- (g) Commission on Revenue Allocation; or
- (h) any other relevant institution

19 The Controller of Budget shall monitor, evaluate, and make recommendations on measures to improve budget implementation for—

Monitoring, evaluation and reporting for improvement of budget implementation

- (a) Parliament,
- (b) Judiciary,
- (c) County Assemblies,
- (d) Commissions and Independent Offices,
- (e) National Government entities; and
- (f) County Governments entities

20 Within one year of commencement of these Regulations, the Controller of Budget shall develop a monitoring and evaluation framework for purposes of carrying out the functions and powers under the Act and these Regulations

Development of monitoring, evaluation and reporting framework

21. (1) When undertaking monitoring and evaluation, the Controller of Budget shall consider the following factors—

Factors to consider when conducting monitoring, evaluation and reporting.

- (a) whether the budget estimates comply with the Program Based Budgeting Approach;
- (b) whether the budget estimates comply with fiscal responsibility principles provided for under sections 15 and 107 of the Public Finance Management Act, 2012;
- (c) the reasonableness of revenue estimates;
- (d) classification and composition between recurrent and development expenditure;
- (e) linkage between policy, planning and budgeting framework;
- (f) prior year comparative data as the baseline for resource allocation in the subsequent periods;
- (g) adherence to Medium Term Expenditure Framework during budget making process;
- (h) adherence to approved budgetary ceilings;
- (i) information on geographical location of projects to monitor or ascertain equity in resource allocation across the country;
- (j) compliance with statutory timelines for budget documents;
- (k) public participation in the budget process;
- (l) actual expenditure against the budget estimates;
- (m) compliance with principles of public finance provided for under Article 201 of the Constitution; and
- (n) any other factors that the Controller of Budget may consider necessary in executing this mandate.

22. (1) For purposes of preparing the quarterly reports under section 9 of the Act, an accounting officer for a national government entity and county government entity shall prepare financial and non-financial report for each quarter of the financial year in respect of the entity in a manner specified by the Controller of Budget.

Submission of quarterly reports to the Controller of Budget.

(2) Not later than the 10th day after the end of every quarter, the accounting officer shall submit a quarterly report to the National Treasury and County Treasury with a copy to the Controller of Budget.

(3) Not later than the 15th day after the end of each quarter, the national treasury and county treasury shall consolidate the quarterly reports under sub-regulation (2) and submit them to the Controller of Budget.

(4) Despite the first quarterly report of the year submitted under this regulation, each subsequent report shall contain cumulative amounts from the beginning of that year.

(5) The National Treasury and a County Treasury entity shall certify the reports before submitting to the Controller of Budget

23 The report submitted by an accounting officer for a county government entity or national government entity under regulation 22 shall include—

Content of the report

- (a) actual revenue receipts disaggregated by revenue streams including appropriation-in-aid;
- (b) report on payments made to the Consolidated Fund Services,
- (c) report on funds released and expenditure by programme, sub-programme and project against the budget estimates,
- (d) expenditures classified in economic classification as follows—
 - (i) compensation to employees,
 - (ii) use of goods and services,
 - (iii) transfer to other levels of government,
 - (iv) capital expenditure; and
 - (v) development expenditure.
- (e) report on outstanding payments, overdue for over ninety days;
- (f) project implementation status report,
- (g) report on stalled projects and the work plan for completing the projects,
- (h) report on established funds by Parliament or a County Assembly,
- (i) projection of expected expenditure and revenue collection for the remainder of the financial year,
- (j) report on the receipts and expenditure of conditional or non-conditional grants, and
- (k) any other information that the Controller of Budget may require for reporting

24 (1) The Controller of Budget shall prepare and submit special reports as provided for under section 10 of the Act

Special reports

(2) For purposes of preparing the special report under section 10 of the Act, an accounting officer shall submit the requisite information as may be requested by the Controller of Budget

PART IV—INVESTIGATIONS

25 The Controller of Budget may conduct investigations on his or her own motion or upon a complaint made by a member of the public on any matter on implementation of the budgets of the national and county governments

Power to investigate

26. The guiding principles for conducting investigations under this Part shall include—
- Guiding principles for conducting investigations.
- (a) independence;
 - (b) objectivity;
 - (c) impartiality;
 - (d) fairness; and
 - (e) integrity.
27. (1) The Controller of Budget shall be an investigating officer for purposes of the Act and these Regulations.
- Investigating officers.
- (2) The Controller of Budget may, in writing, delegate the performance of the power conferred on him or her under sub regulation (1) to an officer of the Office.
- (3) In addition to the officers delegated under sub regulation (2), the Controller of Budget may designate, in writing, other public officers to be investigating officers for purposes of the Act and these Regulations.
- (4) A delegation or designation under this regulation—
- (a) shall be subject to any conditions that the Controller of Budget may impose;
 - (b) shall not relieve the Controller of Budget of responsibility concerning the exercise of the performance of the delegated power; and
 - (c) may be withdrawn or varied by the Controller of Budget.
- (5) An officer delegated or designated under this regulation shall, at all times, perform their functions under the superintendence and direction of the Controller of Budget.
28. (1) A person, other than an investigating officer under these Regulations, shall not present himself or herself to be or act as an investigating officer.
- Impersonating investigator.
- (2) A person who contravenes sub-regulation (1) commits an offence and is liable on conviction to a fine not exceeding twenty thousand shillings or to imprisonment for a term not exceeding six months, or to both.
29. (1) The Controller of Budget shall conduct a preliminary investigation to determine whether a matter to be investigated raises substantive issues to warrant a full investigation.
- Procedure for conducting investigations.
- (2) In this regulation, a matter to be investigated raises “substantive issues” where that matter—
- (a) relates to serious or persistent material breach as provided for under section 94 of the Public Finance Management Act, 2012;

- (b) relates to non-compliant in budget implementation including—
 - (i) failure of the budget to be in line with the planning documents,
 - (ii) failure to apply approved exchequer as authorized, or
 - (iii) where the budget exceeds the set ceilings.
 - (c) relates to falsification of documents
- (3) If the matter warrants full investigation, the investigating officer shall gather evidence through—
- (a) oral examination,
 - (b) documentary and record evidence,
 - (c) expert evidence, or
 - (d) site inspection
- (4) An investigating officer shall—
- (a) report on actual or potential conflict of interest, if any;
 - (b) ensure confidentiality,
 - (c) conduct the investigation expeditiously;
 - (d) base his or her findings on facts and related analysis including reasonable inferences,
 - (e) provide the entity or person against whom an allegation or complaint is made an opportunity to respond to the allegations or complaints, and
 - (f) provide any data, information or witnesses that may support their case

30 An investigating officer may, with the consent of a person or a court warrant, summon a person, enter upon and search any premises for any record, property or other thing reasonably suspected to be in or on the premises and that has not been produced by a person pursuant to a requirement under the provisions of the Act or these Regulations

Power to
summon, enter
and search

31 Upon conclusion of an investigation, the Controller of Budget may—

Action upon
investigation

- (a) make a finding and give recommendations, or
- (b) refer the complaint to a relevant public body for further action.

32 (1) Where the Cabinet Secretary stops the transfer of funds to a national government entity or county government entity, the Controller of Budget shall conduct investigations and submit a report to Parliament

Conduct of
investigation on
stoppage of funds

(2) Within fourteen days of the decision of the Cabinet Secretary to stop the transfer of funds, the Controller of Budget shall conduct

investigations to ascertain whether the reasons for the decision by the Cabinet Secretary meet the threshold for serious material breach or persistent material breach as provided for under section 94 of the Public Finance Management Act, 2012.

(3) The Controller of Budget shall submit the report to Parliament, giving an independent opinion on the findings and details of material breach or persistent material breach in such manner as to allow Parliament make a decision on whether or not to approve or rescind the Cabinet Secretary's decision to stop the transfer of funds.

(4) The report shall contain recommendations on measures to rectify the breach.

(5) Where the Cabinet Secretary has applied to Parliament to renew a decision to stop the transfer of funds for a period beyond the sixty days, the Controller of Budget shall investigate and prepare a report to Parliament within fourteen days after being informed of the decision to renew the period of stoppage of funds.

PART V—COMPLAINT HANDLING

33. (1) A complaint may be lodged at the offices of the Controller of Budget or at such place or places and in such manner as the Controller of Budget may from time to time determine.

Lodging of complaint.

(2) A complaint may be lodged by the complainant in person or by a person acting on behalf of the complainant or by any other person authorized by law to act for the complainant, provided that the Controller of Budget may admit anonymous complaints.

34. The Controller of Budget shall maintain a register of all complaints received and action taken, including any resolution made.

Register of Complaints.

35. (1) Where the complaint is made orally, or otherwise, or the complainant cannot read or write, the complaint shall be reduced to writing by an authorized officer.

Oral complaint to be reduced to writing.

(2) A written complaint shall be in such manner as the Controller of Budget may determine and shall include—

- (a) the name and contact details of the complainant;
- (b) the particulars of the respondent; and
- (c) the substance of the complaint in sufficient detail to enable the Controller of Budget to act.

(3) The complainant may attach or provide any documents necessary to support the complaint.

(4) Despite the foregoing, a complaint may be made anonymously, or treated in such a manner as to protect the identity of, or particulars of, the complainant where necessary, as may be directed by the Controller of Budget.

36. (1) A complaint shall, upon being entered into the register under regulation 34, be forwarded to the relevant department for screening.

Screening of complaints.

(2) Upon screening the complaint, the Controller of Budget may—

- (a) admit the complaint,
- (b) where appropriate, advise the complainant in writing that the matter is not within the mandate of the Controller of Budget, or
- (c) advise the complainant that the matter lies for determination by another public body or institution and refer the same to that body or institution

37. (1) Where, in the opinion of the Controller of Budget, a complaint does not merit further consideration, he or she may discontinue further proceedings on the complaint, record his or her reasons and notify the complainant of the discontinuation within fourteen days

Discontinuation of a complaint

(2) The Controller of Budget shall inform the complainant of the right to review the decision taken under sub-regulation (1)

38 (1) Where a complaint has been discontinued under regulation 37, the complainant may, in writing, apply to the Controller of Budget for a review of the decision

Review

(2) Where a review is disallowed, the complaint shall be closed and the complainant notified in writing

(3) Where a review is allowed, the provisions of these Regulations shall apply

39 (1) A complainant may, in writing, withdraw a complaint pending before the Controller of Budget at any stage during its consideration

Withdrawal and lapse of complaint

(2) Where a complainant unjustifiably fails or neglects to respond to communication from the Controller of Budget within three months from the date of the last communication, the Controller of Budget may deem the complaint to have lapsed

(3) Despite the provisions of sub-regulations (1) and (2), the Controller of Budget may, in his or her discretion, proceed to deal with a complaint in the public interest

(4) Where a complaint has lapsed, the complainant may apply to the Controller of Budget for re-admission of the complaint and give reasons in support of the application for re-admission to the satisfaction of the Controller of Budget

40 (1) Where two or more complaints are lodged in which the same or similar allegations are raised against a respondent or respondents, the Controller of Budget may—

Joint consideration of complaint

- (a) consolidate the complaints; or
- (b) treat one complaint as a test complaint and stay further action on the other complaints pending resolution of the test complaint.

(2) The decision on a test complaint shall apply, *mutatis mutandis*, to all other complaints with which the test complaint was consolidated.

41. (1) Upon admission of a complaint, the Controller of Budget shall inform the respondent accordingly.

Action on complaint.

(2) Upon the expiry of fourteen days, if there is no response from the respondent, a reminder giving a further fourteen days to respond shall be communicated to the respondent.

(3) If there is still no response, the Controller of Budget may issue summons or make such other orders, as he or she may deem fit.

42. If a respondent fails to respond to the summons or other orders, the Controller of Budget may proceed to determine the complaint in the absence of the respondent or issue any orders.

Failure to respond to summons.

43. In resolving a complaint, the Controller of Budget may —

Resolution of complaint.

- (a) conduct investigations in accordance with Part IV;
- (b) request and obtain relevant information or documents;
- (c) undertake mediation, negotiation or conciliation in accordance with Part VI;
- (d) refer the complaint to the appropriate public body for further action; or
- (e) determine the complaint appropriately.

PART VI – DISPUTE RESOLUTION

44. The Controller of Budget may resolve any matter, relating to budget implementation, brought before him or her by conciliation, mediation or negotiation as provided for under Article 252(1) (b) of the Constitution.

Mediation, conciliation and negotiation.

45. (1) Where the Controller of Budget determines that there is a dispute, he or she shall call upon the parties to resolve the matter amicably within twenty-one days.

Procedure for mediation, conciliation or negotiation.

(2) Where the parties resolve the matter amicably, the parties shall record the consent and register the same with the Controller of Budget.

(3) Where the parties fail to resolve the matter amicably, the Controller of Budget shall issue a notice which shall include —

- (a) the names of the parties to the dispute; and
- (b) the date, time and venue of the meeting.

(2) Upon the issuance of a notice, but before the date of the meeting, the Controller of Budget shall constitute a panel comprising

officers or persons with relevant expertise in dispute resolution, as the Controller of Budget may consider necessary.

(3) During the meeting, the panel appointed under sub-regulation (2) may apply such procedures as it may, in the interests of the parties, deem appropriate in the circumstances.

(4) At the conclusion of the process, the parties shall sign an agreement bearing the Common Seal and the signature of the Controller of Budget.

(5) The agreement signed under this regulation shall be deemed to be a determination of the Controller of Budget and shall be enforceable as such.

46. (1) Any document required or authorized to be served under this Part shall, where practicable, be served personally on the person by delivering or tendering the document to that person.

Service of process.

(2) Where it is not possible to effect personal service, the document may be served in such manner as the Controller of Budget may determine.

(3) Any document requiring service under this Part shall be served by an authorized officer or any other person authorized to do so by the Controller of Budget.

47. In the determination of disputes under these Regulations, the Controller of Budget shall have due regard to the principles of natural justice and shall not be bound by any legal or technical rules of evidence applicable to proceedings before a court of law.

Principles of natural justice.

PART VII—MISCELLANEOUS PROVISIONS

48. The Controller of Budget shall not charge any fee in the lodging and determination of complaints and disputes.

Fees.

49. A person who fails to comply with these Regulations and where a penalty has not been provided for, commits an offence and shall be liable upon conviction to the penalty provided for under Section 22 of the Act.

Offences.

50. Any document submitted to the Controller of Budget under these Regulations shall be certified.

Certification of documents.

51. (1) The Controller of Budget shall provide information on budget implementation matters to the public, by publishing and publicizing quarterly and special reports.

Access to information.

(2) The Controller of Budget may avail the information to the public through—

- (a) the Controller of Budget's official website;
- (b) print media;
- (c) electronic media; or
- (d) public fora;

(3) The Controller of Budget shall sensitize the public on budget implementation.

(4) In exercising his or her functions and powers under these Regulations, the Controller of Budget shall be bound by the provisions of the Access to Information Act, 2016.

No. 31 of 2016
Issuance of
circulars.

52. The Controller of Budget may issue circulars to a national government entity or a county government entity on budget implementation on measures to improve budget implementation and for compliance purposes.

53. (1) The Controller of Budget shall maintain confidence in respect of all matters that come to his or her knowledge in the exercise of their duties.

Management of
information.

(2) Subject to the provisions of Article 35 of the Constitution, the Controller of Budget shall not be called to give evidence in respect of any matter that comes to their knowledge in the exercise of their duties.

(3) Notwithstanding sub-regulation (1), the Controller of Budget may disclose in any report made by him or her, any matter that in the opinion of the Controller of Budget may be disclosed in order to establish grounds for the Controller of Budget's findings and recommendations.

54. Subject to the Public Archives and Documentation Service Act, 1965, the Controller of Budget shall maintain a database of—

Record
management.

- (a) planning and budget documents submitted under regulation 5 and 6;
- (b) requests for approval for withdrawal of funds;
- (c) authorization for withdrawal of funds;
- (d) reports prepared by the Controller of Budget under the Act and these Regulations; and
- (e) any other relevant information.

Cap. 19

55. The Controller of Budget may digitize the processes involved in budget implementation including authorization for withdrawal of funds to enhance efficiency.

Digitization.

SCHEDULE

[rr.8(1), 8(8), 9, 10 (1), 10(1), 10(7), 11(1), 11(6), 12(1), 13(1), 13(5) and 14(1)]

REQUISITION FORM A

[Insert logo, physical and postal address]

Ref. No..... Date:.....

The Controller of Budget
Office of the Controller of Budget
P. O. Box 35616-00100

NAIROBI

REQUEST FOR APPROVAL TO WITHDRAW FUNDS

FROM _____ {Insert name of appropriate Fund}

In accordance with Article _____ {Insert appropriate Article} of the Constitution of Kenya, Section 5 (a) of the Controller of Budget Act, 2016, Section _____ {Insert as appropriate} of the Public Finance Management Act, 2012 and the Appropriation Act No. ____ of 20 ____ {Insert as appropriate}, the National Treasury /County Treasury {delete as appropriate}, requests you to authorize the approval to withdraw of funds from the _____ {Insert name of appropriate Fund}, in the sum of Ksh. _____ {Insert amount in words}, to meet the cost of services for _____ {Insert appropriate classification of expenditure}, for the year ending 30th June 20 ____.

Authorized Signatory

Name:.....

Designation:.....

Mandate number:.....

Signature:.....

Signed in on

Encl.

ANNEX

| National/County Code | Account Number | Account Title | Amount (Kshs.) |
|----------------------|----------------|---------------|----------------|
| | | | |
| | | | |

AUTHORIZATION FOR WITHDRAWAL OF FUNDS FORM B
OFFICE OF THE CONTROLLER OF BUDGET



Tel: 020 2211068, 0738466721, 0709910000
Email: cob@cob.go.ke/info@cob.go.ke
Website: www.cob.go.ke



Bima House, 12th Floor
Harambee Avenue
P.O. Box 35616-00100
Nairobi Kenya

Ref. No.....
Date:.....

Central Bank of Kenya
P. O. Box 60000 - 00200
NAIROBI

APPROVAL TO WITHDRAW FUNDS FROM

_____ {Insert name
of appropriate fund}

FUND FOR THE FINANCIAL YEAR 20__/20__

Ref No. _____ {Insert relevant Form A reference} Date:
_____ {Insert date of relevant Form A}

By virtue of Article _____ {Insert appropriate Article} of the Constitution of Kenya, Section 5 (a) of the Controller of Budget Act, 2016, Section _____ {Insert appropriate section} of the Public Finance Management Act, 2012 and the Appropriation Act No. ____ of 20__ and the request for approval to withdraw funds from _____ {Insert name of appropriate fund} I hereby authorize the withdrawal of Kshs. _____ {Insert amount in words} from the _____ {Insert name of specific account of Parliament, Judiciary, a national government entity or a county government entity} to the _____ {Insert name of Parliament, Judiciary, a national government entity or a county government entity) for the services of the year ending 30th June, 20__.

_____ {Signature}

CONTROLLER OF BUDGET

Copy to: National Treasury/County Treasury {delete as appropriate}

P.O BOX _____ {Insert physical address}

Made on the....., 2021.

MARGARET NYAKANG'O,
Controller of Budget.

OFFICE OF THE CONTROLLER OF BUDGET



Tel: 020 2211068, 0738466721, 0709910000
Email: cob@cob.go.ke/Info@cob.go.ke
Website: www.cob.go.ke



Bima House, 12th Floor
Harambee Avenue
P.o Box 35616-00100
Nairobi Kenya

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(Legislative Supplement No. 101)

LEGAL NOTICE No. 254

THE CONTROLLER OF BUDGET ACT

(No. 26 of 2016)

THE CONTROLLER OF BUDGET REGULATIONS, 2021

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SCHEDULE

THE CONTROLLER OF BUDGET ACT

(No 26 of 2016)

IN EXERCISE of the powers conferred by section 25 of the Controller of Budget Act, the Controller of Budget makes the following Regulations—

THE CONTROLLER OF BUDGET REGULATIONS, 2021

PART I — PRELIMINARY

- 1 These Regulations may be cited as the Controller of Budget Regulations, 2021 Citation
- 2 (1) In these Regulations, unless the context otherwise requires— Interpretation
- “Act” means the Controller of Budget Act, 2016, No 26 of 2016
- “accounting officer” has the meaning assigned to it under section 2 of the Public Finance Management Act, 2012, No 18 of 2012
- “any other public funds” has the meaning assigned to it under section 2 of the Act,
- “budgetary ceilings” has the meaning assigned to it under regulation 2 of the Public Finance Management (National Government) Regulations, 2015, LN No 34/2015
- “Cabinet Secretary” has the meaning assigned to it under section 2 of the Act;
- “consolidated fund services” has the meaning assigned to it under regulation 2 of the Public Finance Management (National Government) Regulations, 2015.
- “Controller of Budget” has the meaning assigned to it under the Act,
- “control ledger” means—
- (a) the Consolidated Fund Control Ledger,
 - (b) the Equalization Fund Control Ledger,
 - (c) County Revenue Fund Control Ledger, and
 - (d) Control Ledger for any other public fund that show the vote, appropriated amounts, revenue receipts, and cumulative approved withdrawal amounts,
- “County Executive Committee Member” means the County Executive Committee Member responsible for matters relating to finance,
- “county exchequer account” has the meaning assigned to it under section 2 of the Public Finance Management Act, 2012,
- “county government entity” has the meaning assigned to it under section 2 of the Public Finance Management Act, 2012;

“County Treasury” has the meaning assigned to it under section 2 of the Public Finance Management Act, 2012;

“exchequer ledger” means a record of revenue receipts into and withdrawals from the exchequer account maintained by the National Treasury or a County Treasury;

“National Exchequer Account” has the meaning assigned to it under section 2 of the Public Finance Management Act, 2012;

“national government entity” has the meaning assigned to it under section 2 of the Public Finance Management Act, 2012;

“National Treasury” has the meaning assigned to it under section 2 of the Public Finance Management Act, 2012;

“pending bills” means unsettled financial obligations by the national or county government entities at the close of financial year;

“Public Debt Management Office” means the Office established under section 62(1) of the Public Finance Management Act, 2012;

“public officer” has the meaning assigned to it under Article 260 of the Constitution;

“publicise” has the meaning assigned to it under section 2 of the Public Finance Management Act, 2012;

“publish” has the meaning assigned to it under section 2 of the Public Finance Management Act, 2012;

“receiver of revenue” has the meaning assigned to it under section 2 of the Public Finance Management Act, 2012;

“vote” has the meaning assigned to it under section 2 of the Public Finance Management Act, 2012; and

“Vote-on-Account” has the meaning assigned to it under regulation 2 of the Public Finance Management Act (National Government) Regulations, 2015.

3. These Regulations shall apply to—

Application.

- (a) Parliament;
- (b) Judiciary;
- (c) a County Assembly;
- (d) the National Treasury;
- (e) a County Treasury;
- (f) a National Government entity;
- (g) a County Government entity;
- (h) Commissions and Independent offices;
- (i) state officers;
- (j) accounting officers;

- (k) receiver of revenue,
- (l) public officers, and
- (m) any other person performing any act or doing such thing that is provided for under these Regulations

4 (1) The object of these Regulations is to set out the procedure for—

Object of the Regulations

- (a) authorization of withdrawal of funds from—
 - (i) the Consolidated Fund and its components,
 - (ii) the Equalization Fund,
 - (iii) a County Revenue Fund and its components, or
 - (iv) any other public fund.
- (b) enforcement of budgetary ceilings on national and county government expenditure;
- (c) monitoring, evaluating, reporting and making recommendations to the national and county governments on measures to improve budget implementation.
- (d) preparation and submission of quarterly reports and special reports,
- (e) publishing and publicizing information on budget implementation;
- (f) conduct of investigations as provided under Article 252(1) (a) of the Constitution; and
- (g) conciliation, mediation and negotiation as provided under Article 252(1) (b) of the Constitution

(2) Notwithstanding the provisions of regulation 4(1), these Regulations also provide for—

- (a) documentation to be provided to the Controller of Budget in the exercise of his or her powers and functions, and
- (b) process for requisition and approval of withdrawal of funds from the funds listed under regulation 4(1)

5 (1) Within fourteen days of approval or publication, the National Treasury shall submit the following planning and budget documents to the Controller of Budget—

Submission and review of the national government planning and budgeting documents

- (a) Medium Term Plan,
- (b) Budget Review and Outlook Paper,
- (c) Debt Management Strategy Paper;
- (d) Budget Policy Statement;

- (e) approved budget estimates or Vote-on-Account;
 - (f) submitted budget estimates and Appropriation Bill in case of a Vote-on-Account;
 - (g) the Appropriation Act;
 - (h) the Equalization Fund Appropriation Act;
 - (i) Presidential Warrant;
 - (j) Annual Cash Flow plan;
 - (k) names of authorized signatories for national exchequer account and Equalization Fund account, their specimen signatures and relevant mandate number;
 - (l) annual work plans;
 - (m) the Division of Revenue Act;
 - (n) approved Cash Disbursement Schedules for County Governments;
 - (o) the County Allocation of Revenue Act;
 - (p) evidence that the approved budget estimates or Vote-on-Account has been uploaded in the financial management system prescribed by the National Treasury;
 - (q) a report on unspent cash balances of the previous financial year in the Consolidated Fund and the accounts of national government entities;
 - (r) a report by the National Treasury on adherence with advisories by Controller of Budget on budget issues; and
 - (s) documentary evidence of public participation undertaken in the development of the planning and budget documents.
- (2) Where a supplementary budget is passed within a financial year, the National Treasury shall submit the following planning and budget documents to the Controller of Budget—
- (a) the relevant Supplementary Appropriation Act;
 - (b) Presidential Warrant;
 - (c) supplementary budget estimates approved by the National Assembly; and
 - (d) evidence that the approved supplementary budget estimates has been uploaded in the financial management system prescribed by the National Treasury.
- (3) Where a national government entity revises its planning and budget documents in any given financial year, the Cabinet Secretary shall submit the documents to the Controller of Budget within fourteen days from the date of approval of revision.
- (4) Upon receipt of the documents, the Controller of Budget shall review the documents to ensure compliance with these Regulations and may—

- (a) within fourteen days, make recommendations to the national government entity on measures to improve budget implementation and such recommendation shall be binding on the entity and its public officers; and
- (b) request for any other information that is required in ensuring compliance of the planning and budget documents with the provisions of the Constitution and any other written law.

(5) The Controller of Budget may use the documents submitted under this regulation to determine an approval of request for withdrawal of funds under Part II of these Regulations.

(6) Where there is the assumption of the Office of President by a President-elect, the Deputy President or the Speaker of the National Assembly under Article 146(2) of the Constitution, the Assumption of Office of President Committee shall submit a copy of the Committee's report to the Controller of Budget within seven days after submitting the report to Parliament.

6. (1) Within fourteen days of the approval or publication, a County Treasury shall submit the following documents to the Controller of Budget—

Submission and review of county government planning and budgeting documents.

- (a) County Integrated Development Plan;
- (b) Annual Development Plan;
- (c) annual work plan for conditional grants;
- (d) County Budget Review and Outlook Paper;
- (e) County Debt Management Strategy Paper;
- (f) County Fiscal Strategy Paper;
- (g) An Act of County Assembly or subsidiary legislation establishing a fund in accordance with the Public Finance Management Act, 2012;
- (h) submitted budget estimates and Appropriation Bill in case of a Vote-on-Account;
- (i) approved budget estimates or Vote-on-Account;
- (j) an Appropriation Act;
- (k) Governor's Warrant;
- (l) Annual Cash Flow plan;
- (m) refund statement for unspent cash for the previous financial year;
- (n) documentary evidence that public participation was undertaken in the development of the planning and budget documents including a report from the County Budget and Economic Forum as provided for under section 137 of the Public Finance Management Act, 2012;

- (o) evidence of budget estimates uploaded in the financial management system prescribed by the National Treasury; and
- (p) names of authorized signatories for county exchequer account, their specimen signatures and relevant mandate numbers.

(2) Where a supplementary budget is passed within a financial year, a County Treasury shall submit the following planning and budget documents to the Controller of Budget—

- (a) the relevant supplementary Appropriation Act;
- (b) Governor's Warrant;
- (c) supplementary budget estimates approved by a County Assembly; and
- (d) evidence that the approved supplementary budget estimates has been uploaded in the financial management system prescribed by the National Treasury.

(3) Where a county government entity revises its planning and budget documents in any given financial year, the County Treasury shall submit the revised documents to the Controller of Budget within fourteen days from the date of approval of revision.

(4) Upon receipt of the documents, the Controller of Budget shall review the documents to ensure compliance with these Regulations and may —

- (a) within fourteen days, make recommendations to a county government entity on measures to improve budget implementation and such recommendation shall be binding on the entity and its public officers; and
- (b) request for any other information that the Controller of Budget may require in ensuring compliance with the provisions of the Constitution and any other written law.

(5) The Controller of Budget may use the documents submitted under this regulation to determine an approval of request for withdrawal of funds under Part II of these Regulations.

(6) Where there is the assumption of the Office of Governor by a Governor-elect, the Deputy Governor or the Speaker of the County Assembly under Article 182(2) and (4) of the Constitution, the Assumption of Office of County Governor Committee shall submit a copy of the Committee's report to the Controller of Budget within seven days after submitting the report to the County Assembly.

PART II—PROCEDURE FOR APPROVAL OF WITHDRAWAL FROM PUBLIC FUNDS

7. Money shall not be withdrawn from—

Authorization of withdrawal of funds.

- (a) the Consolidated Fund and its components;
 - (b) the Equalization Fund;
 - (c) a County Revenue Fund and its components; or
 - (d) any other public fund,
- unless the Controller of Budget has approved the withdrawal.

8. (1) A request to the Controller of Budget by the National Treasury for approval for withdrawal of funds from the Consolidated Fund shall be made in Requisition Form A as prescribed under the Schedule, accompanied by—

Request for approval of withdrawal of funds from the Consolidated Fund.

- (a) up to date national exchequer account balance and reconciled national exchequer ledger;
- (b) a record from Central Bank of Kenya of payments awaiting funding;
- (c) a statement of revenue receipts into the Consolidated Fund; and
- (d) up to date national exchequer account statement.

(2) In addition to the documents listed in sub- regulation (1), where applicable—

- (a) a request for approval for withdrawal to the County Revenue Fund shall be supported by disbursement schedule and any other document in accordance with section 16 of the Act;
- (b) a request for approval for withdrawal to the Equalization Fund shall be supported by an Appropriation Act and an extract of the approved budget estimates;
- (c) a request for approval for withdrawal for development expenditure for a national government entity, shall be supported by—
 - (i) a schedule of development expenditure in line with the request;
 - (ii) up to date project implementation status report, whether ongoing or stalled projects, relating to the request;
 - (iii) up to date schedule of pending bills and payment plan;
 - (iv) bank statement reflecting the settled pending bills;
 - (v) vote book for development expenditure;
 - (vi) a bank statement of development operational account; and
 - (vii) an extract of the budget estimates approved by the National Assembly.

- (d) a request for approval for withdrawal for recurrent expenditure for a national government entity shall be supported by—
 - (i) a summary of the monthly payroll report from an integrated personnel and payroll database, for payment of salaries;
 - (ii) a schedule and analysis of salaries for staff to be paid outside an integrated personnel and payroll database and the reasons thereof;
 - (iii) a schedule of operations and maintenance expenditure, in compliance with the Standard Chart of Accounts, in line with the request;
 - (iv) analysis of operations and maintenance expenditure in a specified manner;
 - (v) up to date schedule of pending bills and payment plan;
 - (vi) bank statement reflecting the settled pending bills;
 - (vii) vote book for recurrent expenditure;
 - (viii) a bank statement of recurrent operational account;
 - (ix) an extract of the budget estimates approved by the National Assembly;
- (e) a request for approval for withdrawal of funds on Vote-on-Account, shall be supported by—
 - (i) communication from the Speaker of the National Assembly confirming the approval of the Vote-on-Account;
 - (ii) budget estimates submitted to the National Assembly by the Cabinet Secretary;
 - (iii) budget estimates approved by the National Assembly, if any;
 - (iv) exchequer ledgers showing not more than one-half ceiling of the budget estimates;
 - (v) evidence that not more than one-half of the budget estimates has been uploaded to the financial management system prescribed by the National Treasury; and
 - (vi) Appropriation Bill;
- (f) a request for approval for withdrawal of funds where there has been stoppage of funds under Article 225(3) of the Constitution and section 97 of the Public Finance Management Act, 2012 shall be supported by—
 - (i) an assessment by the Cabinet Secretary of the national government entity's financial state; or

- (ii) in case of a county government, a recovery plan in accordance with section 99 of the Public Finance Management Act, 2012, provided that for subsequent requests for approval for withdrawal of funds, a county government shall submit a status of implementation of the recovery plan

(3) In addition to the documents listed in sub- regulation (1), and for the purpose of Consolidated Fund Services, a request for approval of withdrawal —

- (a) into the Judiciary Fund, Parliamentary Fund and any other public funds established under section 24(4) of the Public Finance Management Act, 2012, shall be supported by—
 - (i) published legislation establishing the Fund in accordance with the Public Finance Management Act, 2012, and relevant subsidiary legislation,
 - (ii) an extract of the budget estimates approved by the National Assembly, and
 - (iii) an extract of the approved annual work plan,
- (b) for payment of domestic debt, shall be supported by—
 - (i) a schedule stating redemption amount, interest, bank charges, if any, and any other fees and expenses relating to the borrowing,
 - (ii) Central Bank of Kenya cash call ups,
 - (iii) an up to date schedule of repayments,
 - (iv) analysis of debt level in relation with set ceilings as provided for in section 15 of the Public Finance Management Act, 2012, and
 - (v) monthly overdraft schedule for the overdraft facility,
- (c) for payment of external debt, shall be supported by—
 - (i) a loan agreement stipulating the terms and conditions,
 - (ii) a schedule of the loan agreement stating principal payment and interest, bank charges, commitment fee, penalties, if any, and any other fees and expenses relating to the loan,
 - (iii) an up to date schedule of repayments,
 - (iv) analysis of debt level in relation with set ceilings as provided in section 15 of the Public Finance Management Act, 2012,
 - (v) a legal opinion from the Office of the Attorney General, and
 - (vi) demand note or invoice for settlement of the principal amount or loan interest, where applicable,

- (d) for payment of remuneration of constitutional office holders, shall be supported by a monthly payment schedule of constitutional office holders being remunerated;
- (e) for subscription to an international organization, shall be supported by an invoice from the international organization;
- (f) for payment of pension shall be supported by schedule of pensioners for monthly and lump-sum payment.

(4) For every request for approval for withdrawal of funds from the Consolidated Fund, the National Treasury shall ensure the request submitted to the Controller of Budget—

- (a) is in line with the planning and budget documents;
- (b) contains information by—
 - (i) vote;
 - (ii) programme and sub-programme; and
 - (iii) project; and
- (c) does not exceed budgetary ceilings.

(5) Where the Controller of Budget is not satisfied that the request for withdrawal of funds complies with the law, he or she shall decline to approve the requisition and give reasons thereof within seven days.

(6) Where the Controller of Budget declines to approve the request for withdrawal of funds, the National Treasury shall submit a fresh requisition upon addressing the issues raised by the Controller of Budget.

(7) Where the Controller of Budget is satisfied that the request complies with the law, he or she shall approve the request for withdrawal of funds and submit the approval, in Form B prescribed in the Schedule, to the Central Bank of Kenya and a copy to the National Treasury.

9. A request to the Controller of Budget by the National Treasury for approval for withdrawal of funds from the Equalization Fund shall be made in Requisition Form A as prescribed in the Schedule, accompanied by—

- (a) an up to date Equalization Fund bank statement; and
- (b) an extract of approved annual work plan.

Request for approval for withdrawal of funds from the Equalization Fund.

10. (1) A request to the Controller of Budget by a County Treasury for approval for withdrawal of funds from the County Revenue Fund shall be made in Requisition Form A as prescribed in the Schedule, accompanied by—

Request for approval of withdrawal of funds from the County Revenue Fund.

- (a) up to date county exchequer account balance and reconciled exchequer ledger;
- (b) a record from Central Bank of Kenya of payments awaiting funding;
- (c) a statement of revenue receipts into the County Revenue Fund; and
- (d) up to date county exchequer account statement.

(2) In addition to the documents listed in sub- regulation (1), where applicable—

- (a) a request for approval for withdrawal of funds for development expenditure, shall be supported by—
 - (i) a schedule of development expenditure in line with the request;
 - (ii) up to date project implementation status report generated from approved project management government system;
 - (iii) up to date schedule of pending bills and payment plan;
 - (iv) bank statements reflecting the settled pending bills;
 - (v) vote book for development expenditure;
 - (vi) bank statement of development operational account; and
 - (vii) an extract of the budget estimates approved by a County Assembly relating to the request.
- (b) a request for approval for withdrawal of funds for recurrent expenditure shall be supported by—
 - (i) a summary of the monthly payroll report from an integrated personnel and payroll database, for payment for salaries;
 - (ii) a schedule and analysis of salaries for staff paid outside an integrated personnel and payroll database and the reasons thereof;
 - (iii) a schedule of operations and maintenance expenditure, in compliance with the Standard Chart of accounts, in line with the request;
 - (iv) analysis of the operations and maintenance expenditure in a specified manner;
 - (v) up to date schedule of pending bills and payment plans;

- (vi) bank statement reflecting the settled pending bills;
 - (vii) vote book for recurrent expenditure;
 - (viii) a bank statement of recurrent operational account; and
 - (ix) an extract of the budget estimates approved by a County Assembly relating to the request.
- (c) a request for approval for withdrawal of funds into public funds established under section 110 or 116 of the Public Finance Management Act, 2012, shall be supported by—
- (i) an extract of the budget estimates approved by a County Assembly;
 - (ii) expenditure report on utilization of the previous release;
 - (iii) quarterly financial reports for the Funds; and
 - (iv) an extract of approved annual work plan showing how the funds being requested shall be applied
- (d) a request for approval for withdrawal of funds for conditional grants shall be supported by—
- (i) an agreement or agreements setting out the conditions of the grant;
 - (ii) a county exchequer statement confirming receipt of the conditional grant;
 - (iii) a bank statement for the Special Purpose Account;
 - (iv) an extract of the budget estimates, if any, approved by the County Assembly;
 - (v) expenditure report on utilization of the previous release; and
 - (vi) an extract of approved annual work plan showing how the funds being requested shall be applied.
- (e) a request for approval for withdrawal of funds under Vote-on-Account shall be accompanied by—
- (i) communication from the Speaker of a County Assembly confirming the approval of the Vote on Account;
 - (ii) budget estimates submitted to a County Assembly by the County Executive Committee Member;
 - (iii) budget estimates approved by a County Assembly, if any;
 - (iv) County Exchequer Ledgers showing not more than one-half ceiling of the budget estimates;
 - (v) evidence that not more than one-half of the budget estimates has been uploaded to the financial management system prescribed by the National Treasury; and

(vi) Appropriation Bill.

(3) For every request for approval for withdrawal of funds from the County Revenue Fund, the County Treasury shall ensure the request submitted to the Controller of Budget—

- (a) is in line with the planning and budget documents;
- (b) contains information by—
 - (i) vote;
 - (ii) programme and sub-programme; and
 - (iii) project.
- (c) does not exceed budgetary ceilings.

(4) Where the Controller of Budget is not satisfied that the request for withdrawal of funds complies with the law, he or she shall decline to approve the request and give reasons thereof within seven days.

(5) Where the Controller of Budget declines to approve the request of withdrawal of funds, a County Treasury may submit a fresh requisition upon addressing the issues raised by the Controller of Budget.

(6) Where the Controller of Budget is satisfied that the request complies with the law, he or she shall approve the request for withdrawal of funds and submit the approval, in Form B prescribed in the Schedule, to the Central Bank of Kenya and a copy to the County Treasury.

11. (1) A request to the Controller of Budget by the National Treasury for approval for withdrawal of funds where the national government needs to spend money that has not been appropriated as envisaged under Article 223(1) of the Constitution shall be made in Requisition Form A as prescribed in the Schedule, supported by the following for justification of expenditure—

- (a) the request from the national government entity, together with reasons indicating that the amount appropriated is insufficient or a need has arisen for expenditure for a purpose for which no amount had been appropriated;
- (b) proposed source of funding for the additional expenditure;
- (c) an approval issued by the Cabinet Secretary for expenditure together with the justification for approval; and
- (d) national exchequer account balances and reconciled exchequer ledgers.

(2) Where a request for approval for withdrawal of funds under supplementary appropriation has been submitted, the Controller of Budget shall consider the following factors—

- (a) the reason for the request was unforeseen and unavoidable in circumstances where no budget provision was made;

Request for approval of withdrawal of funds under Article 223(1) of the Constitution.

- (b) the need was unavoidable in circumstances where there is an existing budgetary provision which however is inadequate:

Provided that the expenditure, although known when finalising the estimates of the original budget, could not be accommodated within allocations and tariff adjustments and price increases;

- (c) the historical trend of utilization of funds under supplementary appropriation under Article 223 by the respective national government entity;
- (d) that in any particular financial year, the national government may not spend more than ten per cent of the sum appropriated by Parliament for that financial year unless, in special circumstances, Parliament has approved a higher percentage; and
- (e) any other factors as may be relevant in the circumstance.

(3) Where the Controller of Budget is not satisfied that the request for approval for withdrawal of funds complies with the law, he or she may decline to approve the requisition and give reasons thereof within seven days.

(4) Where the Controller of Budget declines to approve the request of withdrawal of funds, the National Treasury may resubmit the request upon addressing the issues raised by the Controller of Budget.

(5) Where the Controller of Budget is satisfied that the request complies with the law, he or she shall approve the request for withdrawal of funds and submit the approval, in Form B as prescribed in the Schedule, to the Central Bank of Kenya and a copy to the National Treasury.

12. (1) A request to the Controller of Budget by a County Treasury for withdrawal of funds where a county government needs to spend money that has not been appropriated by a county appropriation Act as envisaged under section 135(1) of the Public Finance Management Act, 2012 shall be made in Requisition Form A as prescribed in the Schedule, supported by the following for justification of expenditure—

Request for approval of withdrawal of funds under section 135(1) of the Public Finance Management Act, 2012.

- (a) the request from the county government entity, together with reasons indicating that the amount appropriated is insufficient or a need has arisen for expenditure which no amount had been appropriated;
- (b) proposed source of funding for the additional expenditure;
- (c) approval issued by the County Executive Committee Member for expenditure together with the justification for approval; and
- (d) county exchequer account balances and reconciled exchequer ledgers.

(2) Where a request for approval for withdrawal of funds under Supplementary Appropriation has been submitted, the Controller of Budget shall consider the following factors—

- (a) the reason for the request was unforeseen and unavoidable in circumstances where no budget provision was made;
- (b) the need was unavoidable in circumstances where there is an existing budgetary provision which however is inadequate

Provided that the expenditure, although known when finalising the estimates of the original budget, could not be accommodated within allocations and tariff adjustments and price increases.

- (c) the historical trend of utilization of funds under section 135 of the Public Finance Management Act, 2012 by the respective county government entity,
- (d) that in any particular financial year, a county government may not spend more than ten per cent of the sum appropriated by a County Assembly for that financial year unless, in special circumstances, the County Assembly has approved a higher percentage, and
- (e) any other factors as may be relevant in the circumstance

(3) Where the Controller of Budget is not satisfied that the request for approval of withdrawal of funds complies with the law, he or she may decline to approve the request and give reasons thereof within seven days

(4) Where the Controller of Budget declines to approve the request of withdrawal of funds, a County Treasury may resubmit the request upon addressing the issues raised by the Controller of Budget

(5) Where the Controller of Budget is satisfied that the request complies with the law, he or she shall approve the request for withdrawal of funds and submit the approval, in Form B prescribed in the Schedule, to the Central Bank of Kenya and a copy to the respective County Treasury

13 (1) For every request for approval for withdrawal of funds from a public fund which an Act of Parliament or an Act of a County Assembly requires approval of the Controller of Budget shall be made in Requisition Form A as prescribed in the Schedule supported by the following for justification of expenditure—

- (a) an Act of Parliament, an Act of County Assembly or statutory instrument establishing the Fund,
- (b) fund account balance and reconciled ledger of the fund,
- (c) a record from Central Bank of Kenya of payment pending approval,
- (d) up to date fund account statements,
- (e) authorized signatories for the fund account and their specimen signatures, and

Request for approval for withdrawal of funds from a public fund

(f) an extract of approved annual workplan.

(2) Where the Controller of Budget is not satisfied that the request for approval of withdrawal of funds complies with the law, he or she may decline to approve the request and give reasons thereof within seven days.

(3) Where the Controller of Budget declines to approve the request of withdrawal of funds, an accounting officer may resubmit the request upon addressing the issues raised by the Controller of Budget.

(4) Where the Controller of Budget is satisfied that the request complies with the law, he or she shall approve the request for withdrawal of funds and submit the approval, in Form B prescribed in the Schedule, to the Central Bank of Kenya and a copy to the accounting officer.

14. (1) A request for approval for withdrawal of funds subsequent to transfer of power, functions or competencies between the two levels of government shall be made in Form A as prescribed in the Schedule and shall be supported by—

- (a) an Agreement on transfer or delegation of powers, functions or competencies duly executed by an authorized officer;
- (b) a publication of the Agreement in the Kenya Gazette;
- (c) a copy of the notification to the National Assembly of the decision to transfer a national government power, function or competency;
- (d) an extract of approved budget estimates for both levels of government relating to the transferred function;
- (e) a copy of the notification to a county assembly of the decision to transfer the county government power, function or competency; and
- (f) any other document that the Controller of Budget may deem appropriate.

15. (1) The approval for withdrawal of funds issued by the Controller of Budget shall be valid for seven days.

(2) Upon expiry of the seven days, the National Treasury or a County Treasury shall resubmit the requisition for approval of withdrawal of funds in accordance with these Regulations.

16. In order to ensure that the Consolidated Fund, Equalization Fund, County Revenue Fund and any other public funds are not overdrawn, the National Treasury and a County Treasury shall give authority to the Central Bank of Kenya to grant the Controller of Budget real-time viewer rights of the national exchequer Account, a county exchequer account and an account for any other public fund.

Request for withdrawal of funds subsequent to transfer of power, functions or competencies between the two levels of Government.

Validity of approvals by the Controller of Budget for withdrawal of funds.

Overdrawing of funds and real time viewer rights

PART III—MONITORING, EVALUATION AND REPORTING ON
BUDGET IMPLEMENTATION

17. (1) The Controller of Budget shall monitor, evaluate, and make recommendations to Parliament, a County Assembly, the National Treasury and a County Treasury on compliance and measures to ensure compliance with budgetary ceilings.

Compliance and enforcement of budgetary ceilings.

(2) Where a national government entity or county government entity fails to comply with the budgetary ceilings, the Controller of Budget may—

- (a) decline to approve a request for withdrawal of funds giving reasons thereof; or
- (b) make a recommendation to the National Treasury for stoppage of funds.

18. The Controller of Budget may issue an advisory on compliance and enforcement of budgetary ceilings with recommendations to—

Advisory on compliance and enforcement of budgetary ceilings.

- (a) Parliament;
- (b) the National Treasury;
- (c) a County Treasury;
- (d) a County Assembly;
- (e) Auditor General;
- (f) Salaries and Remuneration Commission;
- (g) Commission on Revenue Allocation; or
- (h) any other relevant institution.

19. The Controller of Budget shall monitor, evaluate, and make recommendations on measures to improve budget implementation for—

Monitoring, evaluation and reporting for improvement of budget implementation.

- (a) Parliament;
- (b) Judiciary;
- (c) County Assemblies;
- (d) Commissions and Independent Offices;
- (e) National Government entities; and
- (f) County Governments entities.

20. Within one year of commencement of these Regulations, the Controller of Budget shall develop a monitoring and evaluation framework for purposes of carrying out the functions and powers under the Act and these Regulations.

Development of monitoring, evaluation and reporting framework.

21. (1) When undertaking monitoring and evaluation, the Controller of Budget shall consider the following factors—

Factors to consider when conducting monitoring, evaluation and reporting.

- (a) whether the budget estimates comply with the Program Based Budgeting Approach;
- (b) whether the budget estimates comply with fiscal responsibility principles provided for under sections 15 and 107 of the Public Finance Management Act, 2012;
- (c) the reasonableness of revenue estimates;
- (d) classification and composition between recurrent and development expenditure;
- (e) linkage between policy, planning and budgeting framework;
- (f) prior year comparative data as the baseline for resource allocation in the subsequent periods;
- (g) adherence to Medium Term Expenditure Framework during budget making process;
- (h) adherence to approved budgetary ceilings;
- (i) information on geographical location of projects to monitor or ascertain equity in resource allocation across the country;
- (j) compliance with statutory timelines for budget documents;
- (k) public participation in the budget process;
- (l) actual expenditure against the budget estimates;
- (m) compliance with principles of public finance provided for under Article 201 of the Constitution; and
- (n) any other factors that the Controller of Budget may consider necessary in executing this mandate.

22. (1) For purposes of preparing the quarterly reports under section 9 of the Act, an accounting officer for a national government entity and county government entity shall prepare financial and non-financial report for each quarter of the financial year in respect of the entity in a manner specified by the Controller of Budget.

Submission of quarterly reports to the Controller of Budget.

(2) Not later than the 10th day after the end of every quarter, the accounting officer shall submit a quarterly report to the National Treasury and County Treasury with a copy to the Controller of Budget.

(3) Not later than the 15th day after the end of each quarter, the national treasury and county treasury shall consolidate the quarterly reports under sub-regulation (2) and submit them to the Controller of Budget.

(4) Despite the first quarterly report of the year submitted under this regulation, each subsequent report shall contain cumulative amounts from the beginning of that year.

(5) The National Treasury and a County Treasury entity shall certify the reports before submitting to the Controller of Budget

23 The report submitted by an accounting officer for a county government entity or national government entity under regulation 22 shall include—

Content of the report

- (a) actual revenue receipts disaggregated by revenue streams including appropriation-in-aid,
- (b) report on payments made to the Consolidated Fund Services,
- (c) report on funds released and expenditure by programme, sub-programme and project against the budget estimates,
- (d) expenditures classified in economic classification as follows—
 - (i) compensation to employees,
 - (ii) use of goods and services,
 - (iii) transfer to other levels of government,
 - (iv) capital expenditure, and
 - (v) development expenditure,
- (e) report on outstanding payments, overdue for over ninety days,
- (f) project implementation status report,
- (g) report on stalled projects and the work plan for completing the projects,
- (h) report on established funds by Parliament or a County Assembly,
- (i) projection of expected expenditure and revenue collection for the remainder of the financial year,
- (j) report on the receipts and expenditure of conditional or non-conditional grants, and
- (k) any other information that the Controller of Budget may require for reporting

24. (1) The Controller of Budget shall prepare and submit special reports as provided for under section 10 of the Act

Special reports

(2) For purposes of preparing the special report under section 10 of the Act, an accounting officer shall submit the requisite information as may be requested by the Controller of Budget

PART IV—INVESTIGATIONS

25. The Controller of Budget may conduct investigations on his or her own motion or upon a complaint made by a member of the public on any matter on implementation of the budgets of the national and county governments

Power to investigate

26. The guiding principles for conducting investigations under this Part shall include—

Guiding principles for conducting investigations.

- (a) independence;
- (b) objectivity;
- (c) impartiality;
- (d) fairness; and
- (e) integrity.

27. (1) The Controller of Budget shall be an investigating officer for purposes of the Act and these Regulations.

Investigating officers.

(2) The Controller of Budget may, in writing, delegate the performance of the power conferred on him or her under sub regulation (1) to an officer of the Office.

(3) In addition to the officers delegated under sub regulation (2), the Controller of Budget may designate, in writing, other public officers to be investigating officers for purposes of the Act and these Regulations.

(4) A delegation or designation under this regulation—

- (a) shall be subject to any conditions that the Controller of Budget may impose;
- (b) shall not relieve the Controller of Budget of responsibility concerning the exercise of the performance of the delegated power; and
- (c) may be withdrawn or varied by the Controller of Budget.

(5) An officer delegated or designated under this regulation shall, at all times, perform their functions under the superintendence and direction of the Controller of Budget.

28. (1) A person, other than an investigating officer under these Regulations, shall not present himself or herself to be or act as an investigating officer.

Impersonating investigator.

(2) A person who contravenes sub-regulation (1) commits an offence and is liable on conviction to a fine not exceeding twenty thousand shillings or to imprisonment for a term not exceeding six months, or to both.

29. (1) The Controller of Budget shall conduct a preliminary investigation to determine whether a matter to be investigated raises substantive issues to warrant a full investigation.

Procedure for conducting investigations.

(2) In this regulation, a matter to be investigated raises “substantive issues” where that matter—

- (a) relates to serious or persistent material breach as provided for under section 94 of the Public Finance Management Act, 2012;

- (b) relates to non-compliant in budget implementation including—
 - (i) failure of the budget to be in line with the planning documents,
 - (ii) failure to apply approved exchequer as authorized, or
 - (iii) where the budget exceeds the set ceilings.
 - (c) relates to falsification of documents
- (3) If the matter warrants full investigation, the investigating officer shall gather evidence through—
- (a) oral examination,
 - (b) documentary and record evidence,
 - (c) expert evidence; or
 - (d) site inspection
- (4) An investigating officer shall—
- (a) report on actual or potential conflict of interest, if any;
 - (b) ensure confidentiality;
 - (c) conduct the investigation expeditiously,
 - (d) base his or her findings on facts and related analysis including reasonable inferences,
 - (e) provide the entity or person against whom an allegation or complaint is made an opportunity to respond to the allegations or complaints; and
 - (f) provide any data, information or witnesses that may support their case

30 An investigating officer may, with the consent of a person or a court warrant, summon a person, enter upon and search any premises for any record, property or other thing reasonably suspected to be in or on the premises and that has not been produced by a person pursuant to a requirement under the provisions of the Act or these Regulations

Power to
summon, enter
and search

31 Upon conclusion of an investigation, the Controller of Budget may—

Action upon
investigation

- (a) make a finding and give recommendations; or
- (b) refer the complaint to a relevant public body for further action.

32. (1) Where the Cabinet Secretary stops the transfer of funds to a national government entity or county government entity, the Controller of Budget shall conduct investigations and submit a report to Parliament.

Conduct of
investigation on
stoppage of funds

(2) Within fourteen days of the decision of the Cabinet Secretary to stop the transfer of funds, the Controller of Budget shall conduct

investigations to ascertain whether the reasons for the decision by the Cabinet Secretary meet the threshold for serious material breach or persistent material breach as provided for under section 94 of the Public Finance Management Act, 2012.

(3) The Controller of Budget shall submit the report to Parliament, giving an independent opinion on the findings and details of material breach or persistent material breach in such manner as to allow Parliament make a decision on whether or not to approve or rescind the Cabinet Secretary's decision to stop the transfer of funds.

(4) The report shall contain recommendations on measures to rectify the breach.

(5) Where the Cabinet Secretary has applied to Parliament to renew a decision to stop the transfer of funds for a period beyond the sixty days, the Controller of Budget shall investigate and prepare a report to Parliament within fourteen days after being informed of the decision to renew the period of stoppage of funds.

PART V—COMPLAINT HANDLING

33. (1) A complaint may be lodged at the offices of the Controller of Budget or at such place or places and in such manner as the Controller of Budget may from time to time determine.

Lodging of complaint.

(2) A complaint may be lodged by the complainant in person or by a person acting on behalf of the complainant or by any other person authorized by law to act for the complainant, provided that the Controller of Budget may admit anonymous complaints.

34. The Controller of Budget shall maintain a register of all complaints received and action taken, including any resolution made.

Register of Complaints.

35. (1) Where the complaint is made orally, or otherwise, or the complainant cannot read or write, the complaint shall be reduced to writing by an authorized officer.

Oral complaint to be reduced to writing.

(2) A written complaint shall be in such manner as the Controller of Budget may determine and shall include—

- (a) the name and contact details of the complainant;
- (b) the particulars of the respondent; and
- (c) the substance of the complaint in sufficient detail to enable the Controller of Budget to act.

(3) The complainant may attach or provide any documents necessary to support the complaint.

(4) Despite the foregoing, a complaint may be made anonymously, or treated in such a manner as to protect the identity of, or particulars of, the complainant where necessary, as may be directed by the Controller of Budget.

36. (1) A complaint shall, upon being entered into the register under regulation 34, be forwarded to the relevant department for screening.

Screening of complaints.

(2) Upon screening the complaint, the Controller of Budget may—

- (a) admit the complaint;
- (b) where appropriate, advise the complainant in writing that the matter is not within the mandate of the Controller of Budget; or
- (c) advise the complainant that the matter lies for determination by another public body or institution and refer the same to that body or institution.

37. (1) Where, in the opinion of the Controller of Budget, a complaint does not merit further consideration, he or she may discontinue further proceedings on the complaint, record his or her reasons and notify the complainant of the discontinuation within fourteen days.

Discontinuation of a complaint.

(2) The Controller of Budget shall inform the complainant of the right to review the decision taken under sub-regulation (1).

38. (1) Where a complaint has been discontinued under regulation 37, the complainant may, in writing, apply to the Controller of Budget for a review of the decision.

Review.

(2) Where a review is disallowed, the complaint shall be closed and the complainant notified in writing.

(3) Where a review is allowed, the provisions of these Regulations shall apply.

39. (1) A complainant may, in writing, withdraw a complaint pending before the Controller of Budget at any stage during its consideration.

Withdrawal and lapse of complaint.

(2) Where a complainant unjustifiably fails or neglects to respond to communication from the Controller of Budget within three months from the date of the last communication, the Controller of Budget may deem the complaint to have lapsed.

(3) Despite the provisions of sub-regulations (1) and (2), the Controller of Budget may, in his or her discretion, proceed to deal with a complaint in the public interest.

(4) Where a complaint has lapsed, the complainant may apply to the Controller of Budget for re-admission of the complaint and give reasons in support of the application for re-admission to the satisfaction of the Controller of Budget.

40. (1) Where two or more complaints are lodged in which the same or similar allegations are raised against a respondent or respondents, the Controller of Budget may—

Joint consideration of complaint.

- (a) consolidate the complaints; or
- (b) treat one complaint as a test complaint and stay further action on the other complaints pending resolution of the test complaint.

(2) The decision on a test complaint shall apply, *mutatis mutandis*, to all other complaints with which the test complaint was consolidated.

41. (1) Upon admission of a complaint, the Controller of Budget shall inform the respondent accordingly. Action on complaint.

(2) Upon the expiry of fourteen days, if there is no response from the respondent, a reminder giving a further fourteen days to respond shall be communicated to the respondent.

(3) If there is still no response, the Controller of Budget may issue summonses or make such other orders, as he or she may deem fit.

42. If a respondent fails to respond to the summonses or other orders, the Controller of Budget may proceed to determine the complaint in the absence of the respondent or issue any orders. Failure to respond to summonses.

43. In resolving a complaint, the Controller of Budget may— Resolution of complaint.

- (a) conduct investigations in accordance with Part IV;
- (b) request and obtain relevant information or documents;
- (c) undertake mediation, negotiation or conciliation in accordance with Part VI;
- (d) refer the complaint to the appropriate public body for further action; or
- (e) determine the complaint appropriately.

PART VI – DISPUTE RESOLUTION

44. The Controller of Budget may resolve any matter, relating to budget implementation, brought before him or her by conciliation, mediation or negotiation as provided for under Article 252(1) (b) of the Constitution. Mediation, conciliation and negotiation.

45. (1) Where the Controller of Budget determines that there is a dispute, he or she shall call upon the parties to resolve the matter amicably within twenty-one days. Procedure for mediation, conciliation or negotiation.

(2) Where the parties resolve the matter amicably, the parties shall record the consent and register the same with the Controller of Budget.

(3) Where the parties fail to resolve the matter amicably, the Controller of Budget shall issue a notice which shall include—

- (a) the names of the parties to the dispute; and
- (b) the date, time and venue of the meeting.

(2) Upon the issuance of a notice, but before the date of the meeting, the Controller of Budget shall constitute a panel comprising

officers or persons with relevant expertise in dispute resolution, as the Controller of Budget may consider necessary.

(3) During the meeting, the panel appointed under sub-regulation (2) may apply such procedures as it may, in the interests of the parties, deem appropriate in the circumstances.

(4) At the conclusion of the process, the parties shall sign an agreement bearing the Common Seal and the signature of the Controller of Budget.

(5) The agreement signed under this regulation shall be deemed to be a determination of the Controller of Budget and shall be enforceable as such.

46. (1) Any document required or authorized to be served under this Part shall, where practicable, be served personally on the person by delivering or tendering the document to that person.

Service of process.

(2) Where it is not possible to effect personal service, the document may be served in such manner as the Controller of Budget may determine.

(3) Any document requiring service under this Part shall be served by an authorized officer or any other person authorized to do so by the Controller of Budget.

47. In the determination of disputes under these Regulations, the Controller of Budget shall have due regard to the principles of natural justice and shall not be bound by any legal or technical rules of evidence applicable to proceedings before a court of law.

Principles of natural justice.

PART VII—MISCELLANEOUS PROVISIONS

48. The Controller of Budget shall not charge any fee in the lodging and determination of complaints and disputes.

Fees.

49. A person who fails to comply with these Regulations and where a penalty has not been provided for, commits an offence and shall be liable upon conviction to the penalty provided for under Section 22 of the Act.

Offences.

50. Any document submitted to the Controller of Budget under these Regulations shall be certified.

Certification of documents.

51. (1) The Controller of Budget shall provide information on budget implementation matters to the public, by publishing and publicizing quarterly and special reports.

Access to information.

(2) The Controller of Budget may avail the information to the public through—

- (a) the Controller of Budget's official website;
- (b) print media;
- (c) electronic media; or
- (d) public fora;

(3) The Controller of Budget shall sensitize the public on budget implementation.

(4) In exercising his or her functions and powers under these Regulations, the Controller of Budget shall be bound by the provisions of the Access to Information Act, 2016.

No. 31 of 2016
Issuance of
circulars.

52. The Controller of Budget may issue circulars to a national government entity or a county government entity on budget implementation on measures to improve budget implementation and for compliance purposes.

53. (1) The Controller of Budget shall maintain confidence in respect of all matters that come to his or her knowledge in the exercise of their duties.

Management of
information.

(2) Subject to the provisions of Article 35 of the Constitution, the Controller of Budget shall not be called to give evidence in respect of any matter that comes to their knowledge in the exercise of their duties.

(3) Notwithstanding sub-regulation (1), the Controller of Budget may disclose in any report made by him or her, any matter that in the opinion of the Controller of Budget may be disclosed in order to establish grounds for the Controller of Budget's findings and recommendations.

54. Subject to the Public Archives and Documentation Service Act, 1965, the Controller of Budget shall maintain a database of—

Record
management.

Cap. 19

- (a) planning and budget documents submitted under regulation 5 and 6;
- (b) requests for approval for withdrawal of funds;
- (c) authorization for withdrawal of funds;
- (d) reports prepared by the Controller of Budget under the Act and these Regulations; and
- (e) any other relevant information.

55. The Controller of Budget may digitize the processes involved in budget implementation including authorization for withdrawal of funds to enhance efficiency.

Digitization.

SCHEDULE

[rr.8(1), 8(8), 9, 10 (1), 10(1), 10(7), 11(1), 11(6), 12(1), 13(1), 13(5) and 14(1)]

REQUISITION FORM A

[Insert logo, physical and postal address]

Ref. No.....

Date:.....

The Controller of Budget

Office of the Controller of Budget

P. O. Box 35616-00100

NAIROBI

REQUEST FOR APPROVAL TO WITHDRAW FUNDS

FROM _____ *{Insert name of appropriate Fund}*

In accordance with Article _____ *{Insert appropriate Article}* of the Constitution of Kenya, Section 5 (a) of the Controller of Budget Act, 2016, Section _____ *{Insert as appropriate}* of the Public Finance Management Act, 2012 and the Appropriation Act No. ____ of 20__ *{Insert as appropriate}*, the National Treasury /County Treasury *{delete as appropriate}*, requests you to authorize the approval to withdraw of funds from the _____ *{Insert name of appropriate Fund}*, in the sum of Ksh. _____ *{Insert amount in words}*, to meet the cost of services for _____ *{Insert appropriate classification of expenditure}*, for the year ending 30th June 20 ____.

Authorized Signatory

Name:.....

Designation:.....

Mandate number:.....

Signature:.....

Signed in.....on.....

Encl.

ANNEX

| National/County Code | Account Number | Account Title | Amount (Kshs.) |
|----------------------|----------------|---------------|----------------|
| | | | |
| | | | |

AUTHORIZATION FOR WITHDRAWAL OF FUNDS FORM B
OFFICE OF THE CONTROLLER OF BUDGET



Tel: 020 2211068, 0738466721, 0709910000
Email: cob@cob.go.ke/info@cob.go.ke
Website: www.cob.go.ke



Bima House, 12th Floor
Harambee Avenue
P.O. Box 35616-00100
Nairobi Kenya

Ref. No.....
Date:.....

Central Bank of Kenya
P. O. Box 60000 - 00200
NAIROBI

APPROVAL TO WITHDRAW FUNDS FROM

_____ {Insert name
of appropriate fund}

FUND FOR THE FINANCIAL YEAR 20__/20__

Ref No. _____ {Insert relevant Form A reference} Date:
_____ {Insert date of relevant Form A}

By virtue of Article _____ {Insert appropriate Article} of the Constitution of Kenya, Section 5 (a) of the Controller of Budget Act, 2016, Section _____ {Insert appropriate section} of the Public Finance Management Act, 2012 and the Appropriation Act No. ____ of 20__ and the request for approval to withdraw funds from _____ {Insert name of appropriate fund} I hereby authorize the withdrawal of Kshs. _____ {Insert amount in words} from the _____ {Insert name of appropriate fund} to the _____ {Insert name of specific account of Parliament, Judiciary, a national government entity or a county government entity) for the services of the year ending 30th June, 20__.

_____ {Signature}

CONTROLLER OF BUDGET

Copy to: National Treasury/County Treasury {delete as appropriate}

P.O BOX _____ {Insert physical address}

Made on the....., 2021.

MARGARET NYAKANG'O,
Controller of Budget.

**EXPLANATORY MEMORANDUM TO THE CONTROLLER OF BUDGET
REGULATIONS, 2021**

PART I


Name of the statutory instrument : The Controller of Budget Regulations, 2021
Name of the parent act : The Controller of Budget Act, 2016
Enacted pursuant to : Section 25 of the Controller of Budget Act
Name of the ministry/department: : Office of the Controller of Budget
Gazetted on :
Tabled on :

PART II

1. The Purpose of the Controller of Budget Regulations, 2021.

The purpose of these Regulations is to provide the procedure for:

- (a) authorization of withdrawal of funds from the Consolidated Fund; County Revenue Fund; the Equalization Fund and any other public funds;
- (b) enforcement of budgetary ceilings on national and county governments expenditure;
- (c) monitoring, evaluating, reporting and making recommendations to the national and county governments on measures to improve budget implementation;
- (d) preparation and submission of quarterly and special reports;
- (e) conduct of investigations as provided for under Article 252(1) (a) of the Constitution; and
- (f) conciliation, mediation and negotiation, in case of a dispute, as envisaged under Article 252(1) (b) of the Constitution.

| | |
|--|-------------------------------------|
|  THE NATIONAL ASSEMBLY PAPERS LAID | |
| DATE: 21 DEC 2021 | DAY: <input type="text"/> |
| TABLED BY: | <input type="text"/> |
| CLERK-AT THE-TABLE: | <input type="text"/> |

The Regulations also make provision for the documents to be submitted to the Controller of Budget and the formats for requisition and approval of withdrawal of funds including mechanism for addressing emerging issues.

2. The Legislative Context

The process of developing the Controller of Budget Regulations, 2021, started in the year 2020. The Regulations seek to give effect to the provisions of Controller of Budget Act, 2016 and the principles of public finance enshrined in Article 201 of the Constitution of Kenya.

The Controller of Budget Regulations, 2021 is developed under section 25 of the Controller of Budget Act, 2016 and the development was guided by the following considerations:

- (a) ensuring prudent and efficient use of public funds;
- (b) ensuring compliance with principles of public finance; and
- (c) the adherence to the fiscal responsibility principles provided for under Sections 15 and 107 of the Public Finance Management Act, 2012.

3. Policy Background.

3.1 What is being done and why

The Controller of Budget is charged with the following broad mandate under the Constitution of Kenya and the Controller of Budget Act, 2016:

- (a) **Oversight Role:** overseeing the implementation of the budgets of both national and county governments (Article 228 (4) of the Constitution). This role involves monitoring the use of public funds and reporting to Parliament on the utilization of funds. This promotes accountability in the use of public financial resources.
- (b) **Controlling Role:** authorizing withdrawals from public funds including the Consolidated Fund (Article 206(4)), County Revenue Fund (Article 207(2)(3)) and Equalization Fund (Article 204(9)). In authorizing withdrawal of funds. The Controller of Budget must be satisfied that the withdrawal is in accordance with the law and permitted as stipulated under Article 228 (5) of the Constitution.
- (c) **Enforcement of Budget Ceilings:** enforcing budgetary ceilings as set by legislation and other institutions mandated to set any such limit as mandated under section 5(d) of the Controller of Budget Act, 2016

- (d) **Monitoring Role:** undertaking monitoring, evaluating, reporting and making recommendations to the national and county governments on measures to improve budget implementation.
- (e) **Reporting Role:** undertaking monitoring, evaluating, reporting and making recommendations to the national and county governments on measures to improve budget implementation by preparing statutory reports (quarterly, annual and special reports) to the Executive and Legislature on Budget implementation of National and County governments (Article 228 (6)).
- (f) **Advisory Role:** providing advice to Parliament and County Governments on financial matters and including where the Cabinet Secretary National Treasury exercises his mandate to stop the transfer of funds to a State organ or public entity.
- (g) **Investigation Role:** conducting investigations through our own initiative or following a complaint made by a member of the public on budget implementation matters, pursuant to Article 252 (1) (a) of the Constitution.
- (h) **Dispute Resolution Role:** undertaking alternative dispute resolution namely; reconciliation, mediation and negotiation to resolve conflicts and issues relating to budget implementation between the national and the county governments, or between county governments.
- (i) **Public Sensitization Role:** disseminating information to the public on budget implementation at both levels of Government pursuant to section 39(8) of the Public Finance Management Act, 2012. This is in line with the provision of Article 35 of the Constitution which provides for the right of access to information held by the state. Further, this ensures that the public is well informed on budget implementation so as to actively and effectively participate in the budget process.

In execution of the above mandate, the Controller of Budget faces the following challenges

- (a) Delay in receiving reports affecting the mandate of the Office to meet constitutional and statutory timelines.
- (b) Incomplete reports from national and county governments entities
- (c) Lack of standardization in documents required for request of withdrawal of funds;
- (d) Lack of mechanisms to enforce budgetary ceilings
- (e) Lack of procedures for complaints handling, dispute resolution and investigations

3.2 Consolidation

It is on this basis that the Controller of Budget Regulations, 2021 seek to provide for the mechanisms to manage, guide and provide a uniform, efficient and effective procedure to ensure timely approvals of withdrawals, accurate and prompt reporting, conduct of investigations, complaints handling, dispute resolution, prudence and enforcing compliance.

Some of the salient features of these Regulations include:

Part I, the main objects of the Regulations and their applicability.

Part II, the procedure for request and approval of funds from Consolidated Fund, County Revenue Fund and Equalization Fund and any other public fund. Further to this, regulation 14 provides for request for withdrawal of funds subsequent to transfer of functions between the two levels of government.

Part III, the monitoring, evaluation and reporting on budget implementation. Regulation 21 further provides for factors to consider when conducting monitoring, evaluation and reporting.

Part IV, the investigation procedures. In this Part, the Regulations set out the power to investigate, guiding principles for conducting investigations, procedure for conducting investigations and conduct of investigations incase of stoppage of funds.

Part V, mechanism for dispute resolution and complaint handling and in particular, how to lodge a complaint, screening of complaints, discontinuation of a complaint, withdrawal and lapse of a complaint and the procedure for mediation, conciliation and investigation.

Part VI, provides for miscellaneous matters in relation to access and management of information and record management.

4. Consultation outcome

The Controller of Budget Regulations 2021 have taken into account the views of key stakeholders including the National Treasury, Parliamentary Budget Office, Office of the Auditor General, County Treasuries, Council of Governors, County Assemblies Forum, Society of Clerks at the Table, Central Bank of Kenya, Commission on Revenue Allocation, Inter-governmental Technical Relations Committee, professional bodies and the Civil Society Organizations involved in public finance management and budget making matters.

The outcome of these consultation is herein attached.

5. Guidance

The Controller of Budget will sensitize stakeholders including Parliament, Judiciary, County Assemblies, National Treasury, County Treasuries, accounting officers of both national government and County Governments and the general public, on the provisions of the Controller of Budget Regulations 2021, compliance mechanisms, procedures for request for withdrawal of funds, reporting mechanisms and procedures for undertaking investigations and dispute resolution in budget implementation.

6. Impact

6.1 Impact on fundamental rights and freedom

These Regulations do not limit fundamental rights and freedoms as enshrined in the Constitution.

6.2 Impact on the private sector

These Regulations do not, in any way affect the private sector.

6.3 Impact on the public sector

The Regulations will ensure compliance with the public finance principle of prudent and efficient use of public fund in accordance with the Controller of Budget Act, Public Finance Management Act and the Constitution and shall not occasion any expenditure of public funds.

6.4 An impact assessment statement

A regulatory impact assessment report has not been prepared for these Regulations since, the Regulations—

6.4.1 contains only matters arising under the Controller of Budget Act which is substantially uniform and complementary with other legislation for both National and County Governments

6.4.2 shall not cause any disadvantage to any person by—
(a) decreasing the person's rights; or
(b) imposing liability on the person, as per section 9 of the Statutory Instruments Act, 2013.

7. Monitoring and Review

The Controller of Budget shall monitor the application of the Controller of Budget Regulations 2021. This will be done through quarterly reports sent by the relevant accounting officers at both national and county governments. In addition, the Controller of Budget shall monitor, evaluate and report on compliance with the provisions of these Regulations.

It is important to note that the Regulations shall apply from the commencement date of these Regulations. In this respect, a review thereof will be done by the Controller of

Budget with the approval of Parliament in line with section 25 of the Controller of Budget Act, 2016.

8. Contact Person.

The contact person is the Controller of Budget, CPA Dr. Margaret Nyakangó or The Deputy Controller of Budget, CPA Stephen Masha.

Date.....*25th AUGUST*.....2021



CPA DR. MARGARET NYAKANGÓ

CONTROLLER OF BUDGET

OFFICE OF THE CONTROLLER OF BUDGET



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Bima House, 12th Floor
Harambee Avenue
P.O. Box 35616-00100
Nairobi Kenya

Ref: COB/LA/REGS/VOL.II(139)

22nd November, 2021

Hon. P. Kihara Kariuki, EGH

Attorney General
Office of the Attorney General
Sheria House
NAIROBI

Dear *Hon Kariuki,*

RE: THE DRAFT CONTROLLER OF BUDGET REGULATIONS, 2021

The above matter refers.

The Controller of Budget in consultation with the Kenya Law Reform Commission and the Office of the Attorney General has developed the draft Controller of Budget Regulations pursuant to Section 25 of the Controller of Budget Act.

The Controller of Budget has complied with all the requirements of the Statutory Instruments Act including, undertaking a comprehensive public participation engagement and a prepublication scrutiny with the Delegated Legislation Committees of both the National Assembly and Senate.

I therefore, now forward to you, the Draft Controller of Budget Regulations for your clearance and subsequent publication.

I thank you for your continued support.

Yours *Sincerely,*

Dr. Margaret Nyakang'o
CONTROLLER OF BUDGET

Promoting prudent utilization of Public Funds

Copy to: **Hon. (Amb). Ukur Yatani, EGH**
Cabinet Secretary
The National Treasury & Planning
NAIROBI

OFFICE OF THE CONTROLLER OF BUDGET



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Bima House, 12th Floor
Harambee Avenue
P.O. Box 35616-00100
Nairobi Kenya

Ref: COB/LA/REGS/VOL.II(138)

22nd November, 2021

Mr. Michael R. Sialai, EBS
Clerk of the National Assembly
Parliament Buildings
clerk@parliament.go.ke
NAIROBI

Dear *Mr. Sialai,*

**RE: PRE-PUBLICATION SCRUTINY COMMENTS TO THE DRAFT
CONTROLLER OF BUDGET REGULATIONS, 2021**

Reference is made to the above subject matter.

On the 16th to 19th September, 2021 the Controller of Budget engaged with the National Assembly Committee on Delegated Legislation on a pre-publication scrutiny of the Draft Controller of Budget Regulations, 2021 in a retreat in Mombasa. The Honorable members of the Committee gave their comments and views on the draft regulations for consideration by the Controller of Budget.

The Controller of Budget in consultation with the Kenya Law Reform Commission and the Office of the Attorney General have considered the comments and revised the Draft Controller of Budget Regulations, 2021. Please find the attached matrix explaining how the various comments were considered. Should the Committee have any other concerns, please do not hesitate to get in touch with my office.

In the meantime, we are proceeding to forward the Draft Controller of Budget Regulations, 2021 to the Attorney General for publication. We appreciate your continued assistance.

Yours *Sincerely,*
Margaret

Dr. Margaret Nyakang'o
CONTROLLER OF BUDGET

OFFICE OF THE CONTROLLER OF BUDGET



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Bima House, 12th Floor
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P.O. Box 35616-00100
Nairobi Kenya

**REPORT OF THE PRE-PUBLICATION CONSULATATIVE MEETING
ON THE DRAFT CONTROLER OF BUDGET REGULATIONS 2021**

BETWEEN

**THE OFFICE OF THE CONTROLLER OF BUDGET AND THE
NATIONAL ASSEMBLY COMMITTEE ON DELEGATED
LEGISLATION**

INTRODUCTION

On the 1st of September 2021, the Office of Controller of Budget held a consultative meeting with the National Assembly Committee on Delegated Legislation at Sarova White Sands Hotel, in Mombasa. The purpose of the meeting was to appraise the Committee on the contents of the Draft Controller of Budget Regulations, 2021(the Regulations) which aim to provide a framework to enable the Office of the Controller of Budget execute its constitutional mandate.

In her remarks, the Controller of Budget, Dr. Margaret Nyakang'o stated that the Regulations are meant to address the challenges facing implementation of her constitutional mandate which include approval of withdrawal of funds from various public funds and reporting on budget implementation, among other functions. She noted that over the years, there had been lack of uniformity on the processes to be followed before withdrawal of funds is authorized. The Regulations would therefore provide certainty and predictability on documentation, processes and timelines for not only authorization for withdrawal of funds, but also on the constitutional requirement on reporting on budget implementation.

On his part, the Chairperson of the Committee, Hon. Kamket Kassait noted that parliamentary scrutiny of statutory instruments is authorized under the Statutory Instruments Act, 2013. He termed the honoring of the invitation by the Office of the Controller of Budget as an advisable gesture as it would reduce any issues that may arise after publication.

The matrix below presents the specific recommendations made by the members of the National Assembly Committee on Delegated Legislation on the Regulations:

Key



Means the comment/submission has been adopted and incorporated in the Regulations

Means the comment does not require an amendment to the Regulations

| No | Regulation | Issue | Hon. Member | Action taken/response |
|----|------------|--|-------------------------------------|--|
| 1. | | How have you been operating in the past? What regulations have you been using? | Chairperson -Hon. William Kamket | <p>The Controller of Budget is guided by the Constitution and further by Controller of Budget Act, 2016 (CoB Act), the Public Finance Management Act, 2012 (PFM Act), PFM regulations and other laws. The Constitution outlines the mandate of the CoB which is further expounded in the CoB Act.</p> <p>The CoB has been issuing periodic Circulars which provided guidelines and procedures for execution of her mandate including the procedures for approval for withdrawal of funds from Public Funds, submission of reports and investigations.</p> <p>These regulations will therefore anchor in law the processes and procedures necessary for the execution of the CoB mandate.</p> |
| 2. | 8(5) | What is this additional information that the COB may request? Would that additional information be used to deny an entity funds? | Chair-Hon. William Kamket | Adopted Regulations amended accordingly by deleting the requirement for additional information. |
| 3. | 7 | What happens when the funds are withdrawn without the COB's approval? | Hon. Martha Wangari | The Constitution requires that money from any Public Funds can only be withdrawn with the approval of the Controller of Budget. Therefore, any withdrawal without the approval of CoB would be an illegality. |

| No | Regulation | Issue | Hon. Member | Action taken/response |
|----|--------------|---|--|--|
| 4. | 8(6) & 10(6) | How much time should the COB take to provide reasons for declining to approve a request for withdrawal? | Hon. Martha Wangari | Adopted. Regulations amended accordingly. The CoB shall within seven (7) days communicate in writing the reasons for declining to approve a request for the withdrawal. (refer to regulation 8(5) and 10(4)) |
| 5. | 8(6) & 10(6) | Is there an appellate system if someone is not satisfied with the decision of the COB to decline to approve a request | Hon. Martha Wangari | Article 228 of the Constitution states that the CoB shall approve the request if satisfied that such request is in accordance with the law. Where the CoB declines to approve, the aggrieved parties can seek redress as provided for in the Constitution. |
| 6. | 17 | Unlike regulation 22, no specific timeline has been provided for the COB to submit reports to Parliament | Hon. Martha Wangari | The timeline for submission of quarterly reports by the COB to Parliament has been provided for in Article 228(6) of the Constitution and Section 9(1) of the CoB Act. |
| 7. | 52 | What are the verified social media accounts? How would a person know the verified social media account? | Hon. Martha Wangari | Adopted Regulations amended accordingly by deleting. (refer to Regulation 51) |
| 8. | | All the meetings for public participation were held in one place at Travellers Beach Mombasa Was public participation targeting specific bodies yet the members of the public also need to be aware of how the funds are controlled? Public participation is embedded in the Constitution. How did you undertake public | Hon. William Kamoti Hon. Daniel Maanzo, Hon. George Kitonga Murugara | The physical meeting held at Travellers Hotel was just one of the forums held to collect views from our key stakeholders. Public participation was held during the ban on physical gathering to contain the spread of COVID-19. To address this challenge, we communicated to the public via the print media and our website requesting for written memoranda. The office created a dedicated email (regulations@cob.go.ke) to receive comments from the public. We also held virtual meetings via zoom. |

| No | Regulation | Issue | Hon. Member | Action taken/response |
|-----|------------|--|---|---|
| | | participation for these Regulations? | | |
| | | Is there a newspaper advertisement inviting members of the public and other stakeholders for public participation? | Hon. George Kitonga Murugara | Yes. We advertised on 25 th May 2021 in the newspaper (Mygov). Attached is a copy of the newspaper advertisement (Annexure 1) |
| 9. | | Was the public participation wide spread? | Hon. Charles Njagagua | <p>We had an advert in the print media and also online on our website.</p> <p>Counties were involved but we were limited from travelling from one county to the next because of the limited resources and COVID-19 containment measures. See correspondences from Uasin Gishu County and Nairobi County (Annexure 2 & 3).</p> <p>To address this challenge, we communicated to the public via print media, our website, dedicated email and requested for written memoranda. We also held virtual hearings.</p> |
| 10. | | How do we authenticate the list of attendees in the public participation list? | <p>Hon. Daniel Maanzo</p> <p>Hon. George Kitonga Murugara</p> | <p>We attached both the attendance sheet from the internal members of staff as well as those of external stakeholders.</p> <p>A copy of the list of external participants is attached for verification (Annexure 4 & 5).</p> |
| 11. | | <p>What is the relationship between the COB and National Treasury?</p> <p>Have you been facing challenges with the</p> | Hon. Robert Mbui | <p>Our interaction with the National Treasury is cordial and guided by the law. OCOB being an oversight and independent office, we may raise issues or seek clarification on relevant issues.</p> <p>There have been instances where we have received information late for</p> |

| No | Regulation | Issue | Hon. Member | Action taken/response |
|-----|------------|--|------------------|--|
| | | <p>National Treasury regarding the information you require?</p> <p>Are you facing any particular challenges hence the need for these regulations</p> | | <p>example we requested for information on pending bills which was delayed. The information was requested on 24th June, 2021 a reminder done on 28th October, 2021. Unsigned soft copy was received on 17th November, 2021 and we are still waiting for a signed hard copy.</p> <p>Section 25 of the CoB Act gives the CoB powers to develop regulations to operationalize the COB Act.</p> |
| 12. | 14 | Is this regulation encouraging transfer of powers and functions from County governments to National government? | Hon. Robert Mbui | <p>No.</p> <p>The Transfer of functions is provided for under Article 187 of the Constitution and Section 26 of Intergovernmental Relations Act. The CoB stands guided by the above provisions.</p> |
| 13. | 15 | What is the rationale of capping the validity of approval by the CoB to 14 days? | | <p>This is to ensure that the account is not overdrawn. There have been incidences where the County Treasuries failed to forward requisitions from the County Assemblies (i.e. Nyandarua & Nyamira Counties) which affected budget implementation as funds may be depleted from the account before the County Assembly requisition is submitted to CoB for approval. This section has been amended from 14 days to 7 days to ensure that the account is not overdrawn by the County Executive before the County Assembly gets its share.</p> |
| 14. | 33 | If the COB investigates a matter would that conflict with her role of dispute resolution under 33 | | <p>No.</p> <p>Article 252 of the Constitution gives the CoB powers to handle complaints, investigate, and resolve disputes.</p> |

| No | Regulation | Issue | Hon. Member | Action taken/response |
|-----|--------------|--|--|--|
| | | Why would the COB resolve a dispute which she has already investigated? | | Administratively, the investigating officers shall not be part of the dispute resolution processes. |
| 15. | 34 | <p>Why should a complaint be reported in "such form as the COB may determine?"</p> <p>Is there need for a specific form of complaint when someone is lodging a complaint?</p> <p>Why does the COB have power to change the form from time to time?</p> | | <p>Adopted.</p> <p>Regulations amended accordingly. We deleted the word 'form' and replaced with the word 'manner' to address the confusion that may be caused by the differences in terminology.</p> <p>The CoB receives different types of complaints including oral submissions, letters, phone calls, petitions, emails etc. This flexibility is necessary to accommodate all types of complaints.</p> |
| 16. | | Do you also control National Government budget or is it just County governments budget? | Hon. Gideon Mulyungi, | <p>No.</p> <p>The Controller of Budget does not control national government budget but is mandated under Art 228 of the CoK to oversee implementation of budgets of both national and county governments by authorizing withdrawals from public funds.</p> |
| 17. | 8(2)(a) | "any other documents as the COB may determine" is a very discretionary statement | <p>Hon. Daniel Maanzo</p> <p>Hon. Charles Njagagua</p> | <p>Considered and adopted.</p> <p>The regulations have been amended by deleting 'any other document'.</p> |
| 18. | 10(2)(a)(ii) | Does this regulation cure the problem where a new county government fails to pay the projects of the previous county government? | Hon. Gideon Mulyungi | <p>Considered and adopted.</p> <p>Regulation 5 and 6 have been amended to include the report of the Committees under Section 19 of the Assumption of Office of President and Section 18 of the Assumption of Office of Governors Act.</p> |

| No | Regulation | Issue | Hon. Member | Action taken/response |
|-----|-------------|---|-----------------------|--|
| 19. | 6(g) | What are these "published legislations"? | Hon. Charles Njagagua | Considered and adopted. We have amended the sub regulation by deleting the phrase 'published legislations' and substituting with 'An Act of Parliament, An Act of County Assembly, or Statutory Instrument'. |
| 20. | 8(2)(e)(vi) | Why is there a requirement for both the Appropriation Bill and the Appropriation Act? | Hon. Charles Njagagua | Article 223 of the Constitution and Section 134 of the PFM Act, 2012 provides that an Appropriation Bill suffices in instances where the Bill has not been assented to and there is a request for approval for withdrawal of funds. This ensures that operations do not stall in the absence of an Appropriation Act. |

Signed on this 24th day of November 2021

CONTROLLER OF BUDGET



14

OFFICE OF THE CONTROLLER OF BUDGET



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Ref: COB/LA/REGS/VOL.II(137)



Bima House, 12th Floor
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P.O Box 35616-00100
Nairobi Kenya

22nd November, 2021

Mr. Jeremiah Nyegenye, CBS

Clerk of the Senate

Parliament Buildings

csenate@parliament.go.ke

NAIROBI

Dear *Mr. Nyegenye,*

**RE: PRE-PUBLICATION SCRUTINY COMMENTS TO THE DRAFT
CONTROLLER OF BUDGET REGULATIONS, 2021**

Reference is made to the above subject matter.

On the 30th October 2021 to 2nd September, 2021 the Controller of Budget engaged with the Senate Committee on Delegated Legislation on a pre-publication scrutiny of the Draft Controller of Budget Regulations, 2021 in a retreat in Mombasa. The Honorable members of the Committee gave their comments and views on the draft regulations for consideration by the Controller of Budget.

The Controller of Budget in consultation with the Kenya Law Reform Commission and the Office of the Attorney General have considered the comments and revised the Draft Controller of Budget Regulations, 2021. Please find the attached matrix explaining how the various comments were considered. Should the Committee have any other concerns, please do not hesitate to get in touch with my office.

In the meantime, we are proceeding to forward the Draft Controller of Budget Regulations, 2021 to the Attorney General for publication. We appreciate your continued assistance.

Yours *Sincerely,*

Dr. Margaret Nyakang'o
CONTROLLER OF BUDGET

OFFICE OF THE CONTROLLER OF BUDGET



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**REPORT OF THE PRE-PUBLICATION CONSULATATIVE MEETING
ON THE DRAFT CONTROLER OF BUDGET REGULATIONS 2021**

BETWEEN

**THE OFFICE OF THE CONTROLLER OF BUDGET AND SENATE
SESSIONAL THE COMMITTEE ON DELEGATED LEGISLATION**

INTRODUCTION

On 16th of September 2021, the Office of Controller of Budget held a consultative meeting with the Senate Committee on Delegated Legislation at Sarova White Sands Hotel, in Mombasa. The purpose of the meeting was to appraise the Committee on the contents of the Draft Controller of Budget Regulations, 2021(the Regulations) which is aimed at providing a framework to enable the Office of the Controller of Budget execute its constitutional mandate.

In her remarks, the Controller of Budget, Dr. Margaret Nyakang'o stated that the Regulations are meant to address the challenges facing implementation of her constitutional mandate which include approval of withdrawal of funds from various public funds and reporting on budget implementation, among other functions. She noted that over the years, there had been lack of uniformity on the processes to be followed before withdrawal of funds is authorized. The Regulations would therefore provide certainty and predictability on documentation, processes and timelines for not only authorization for withdrawal of funds, but also on the constitutional requirement on reporting on budget implementation.

On his part, the Chairperson of the Committee, Hon. Mohamed Mwinyihaji noted that Parliamentary scrutiny of Statutory Instruments is authorized under the Statutory Instruments Act, 2013. He termed the honoring of the invitation by the Office of the Controller of Budget as an advisable gesture as it would reduce any issues that may arise after publication.

The matrix below presents specific recommendations made by the members of the Senate Committee on Delegated Legislation on the Regulations:

Key



Means the comment/submission has been adopted and incorporated in the Regulations

Means the comment does not require an amendment to the Regulations

| No. | Regulation | Issue | Distinguished Member | Action taken/response |
|-----|------------|--|---------------------------------------|---|
| 1. | 5 & 6 | Regulations provide a timeline of 14 days for submission of documents. How do you ensure that the process of requesting for funds promotes efficiency and does not increase bureaucracy? | Chairperson - Hon. Mohamed Mwinyihaji | All planning and budgeting documents are time bound and therefore CoB operations are and have to be within predictable timelines to ensure efficiency and timely budget implementation. Fourteen days therefore is a reasonable period within which the national and county government entities can submit their planning and budget documents. |
| 2. | 10(2)(d) | How will these regulations govern procedures for withdrawal of conditional grants in line with the Conditional Grants Bill which is currently before the Senate | Chair-Hon. Mohamed Mwinyihaji | Considered and amended as follows: Section 109 of PFM provides for withdrawals from the CRF on the basis of County Appropriation Act or an Act of Parliament imposing a charge on the CRF. The County Governments Grants Bill makes provision for appropriation of money into the CRF but does not provide the mechanism for withdrawal from the CRF. |

| No. | Regulation | Issue | Distinguished Member | Action taken/response |
|-----|------------|---|----------------------|---|
| | | | | <p>This regulation has been amended by including a provision for submission of an agreement or agreements setting out the conditions for the Grants as anticipated by clause 4(1) of the County Governments Grants Bill.</p> <p>The decision under <i>Petition 252 of 2016</i> which pronounced that conditional grants should only be appropriated by the national government and not by county governments is under review.</p> |
| 3. | 21(b) | <p>Some of the proposed roles therein seem to usurp the role of Parliament and County Assembly.</p> <p>Is the COB taking over the oversight role of Parliament? What for example is the reasonableness of revenue?</p> <p>What happens if the budgets do not comply with the processes set forth.</p> | | <p>Article 228 of the Constitution mandates the CoB to oversee budget implementation for both national and county governments entities.</p> <p>Sections 8 of the CoB Act allows the CoB to give comments on the budget estimates of both national and county governments and the County Fiscal Strategy Paper prepared by a county treasury.</p> <p>Section 25 of PFM also mandates CoB to submit comments on the draft budget policy statement</p> |

| No. | Regulation | Issue | Distinguished Member | Action taken/response |
|-----|------------|--|----------------------|---|
| | | | | <p>The CoB therefore provides input during the preparation of the budget documents in line with Section 5 of the CoB Act which requires CoB to ensure prudent and efficient use of public funds.</p> <p>Where the CoB identifies gaps in the budget documents, the COB provides recommendations to national and county governments entities for their action.</p> |
| 4. | | <p>What happens for example where the COB approves withdrawal of funds for a development project but the County diverts that same fund to another development project?</p> | | <p>The gap has been addressed in Regulations 8(2)(c) and 10(2)(a) where the CoB requires, both the National and County governments, to submit bank statements to track the payees listed in the previous exchequer requisition.</p> |
| 5. | | <p>Is there a gap in the COB Act that the Regulations seek to cure?</p> | | <p>The regulations do not cure gaps in the CoB Act but fully operationalize the Act.</p> <p>The CoB is reviewing the COB Act in the current financial year to enhance the performance of the functions of the CoB.</p> |

| No. | Regulation | Issue | Distinguished Member | Action taken/response |
|-----|------------|--|-------------------------------|--|
| 6. | 21 | How does the COB resolve the issue of numerous stalled projects? | Chair-Hon. Mohamed Mwinyihaji | The CoB plays a supportive role by monitoring, evaluating and reporting on status of stalled projects on a regular basis, and ensuring that funds are allocated to facilitate completion of stalled projects. |
| 7. | | <p>What happens where there is a conflict between the OAG report and the COB report. How do we reconcile the two reports?</p> <p>What happens if the Monitoring & Evaluation report of the COB conflicts with the position of the Auditor General?</p> | | <p>These are two independent offices with distinct mandates in the Constitution but they complement each other.</p> <p>There may be situation where the reports may differ if they are reported in different periods. In such cases, a reconciliation is undertaken.</p> <p>CoB and OAG work together in the performance of their respective mandates.</p> |
| 8. | 23(d) | What is the difference between capital expenditure and development expenditure? | | <p>The two terms are used interchangeably in the regulations. Capital Expenditure is expenditure by public entity for their own use to enhance delivery of services to the members of public Example acquisition of asset for a public entity use.</p> <p>Development Expenditure is expenditure by public entity for use by members of the public</p> |

| No. | Regulation | Issue | Distinguished Member | Action taken/response |
|-----|------------|--|----------------------|---|
| | | | | Example development of hospitals and roads. |
| 9. | 32 | <p>How does the COB ensure that the investigations are within the office mandate?</p> <p>Does the OCOB have capacity to do investigations?</p> <p>Are those investigations useful?</p> | | <p>Article 252 of Constitution gives the CoB powers to conduct investigations.</p> <p>Yes. The CoB has an Investigation Policy that guides the conduct of investigations</p> <p>Yes.</p> <p>In FY2019/20, the CS National Treasury stopped the transfer of funds to 15 counties on account of non-settlement of pending bills. CoB undertook an investigation in line with Art. 225 and recommended to Parliament that counties should develop a payment plan to address the issues. This recommendation was adopted and now a payment plan is one of the documents required to support a request for approval for withdrawal of funds for settlement of pending bills.</p> |
| 10. | 16 | Was the CBK consulted on granting the COB “real time viewers right” and have they participated in these regulations | | <p>Yes.</p> <p>The CBK clarified that such rights can only be granted by account holders as per the Banking Act. Attached is the correspondence</p> |

| No. | Regulation | Issue | Distinguished Member | Action taken/response |
|------------|------------|---|-------------------------|--|
| | | | | <p>from the CBK (Annexure 1).</p> <p>The CBK is a key stakeholder and participated in the validation of the draft CoB Regulations.</p> |
| | | <p>Was the Ministry of Devolution consulted during public participation?</p> | <p>Hon. Mary Seneta</p> | <p>The CoB has written to the Ministry of Devolution requesting for written submissions on the CoB Regulations. No feedback has been received as yet.</p> <p>During the public participation exercise, key institutions in the devolution sector were represented. These include: IGRTC, CoG, CAF, SOCCAT. County Executive Committee members and members of County Assemblies from diverse counties were represented.</p> |
| <p>11.</p> | | <p>Was the AG involved in the process of developing the regulations?</p> | | <p>Yes We have a copy of the clearance from the AG. Copy of the correspondence from the Attorney General is attached (Annexure 2).</p> |
| <p>12.</p> | <p>25</p> | <p>To what extent does the COB conduct investigation? Under what framework?</p> | <p>Hon. Mary Seneta</p> | <p>Investigation conducted by CoB is limited to functions of the CoB under the constitution and CoB Act section 10(b).</p> |

| No. | Regulation | Issue | Distinguished Member | Action taken/response |
|-----|------------|--|----------------------|---|
| | | Does the investigation usurp the role of other independent bodies such as the EACC | | The CoB has an Investigation Policy that guides the conduct of investigations. These regulations also provide that where a matter for investigation falls within the mandate of another public body; then CoB shall refer the matter to that body. |
| 13. | | <p>What is the COB doing to stop counties from accumulating pending bills particularly regarding stalled projects?</p> <p>How do Regulations ensure that when counties request for pending bills, they do not divert funds meant for one entity to another?</p> <p>What sanctions should accrue in case of such diversion?</p> | Hon. Kavindu Muthama | <p>The CoB plays a supportive role by monitoring, evaluating and reporting on status of stalled projects regular basis, and ensuring that funds are allocated to facilitate completion of stalled projects.</p> <p>The gap has been addressed in Regulations 8(2)(c) and 10(2)(a) where CoB requires, both the National and County governments, to submit bank statements to track the payees listed in the previous exchequer requisition</p> <p>There are administrative sanctions that accrue when such diversions occur. In Article 228 of the Constitution; the CoB does not approve withdrawals from a public fund unless</p> |

| No. | Regulation | Issue | Distinguished Member | Action taken/response |
|-----|------------------------|--|-----------------------|--|
| | | | | <p>satisfied that the withdrawal in accordance with the law.</p> <p>Further to this, a person who fails to comply with the provisions of the regulations commits an offense and shall be liable upon conviction to the penalties provided under Section 22 of CoB Act.</p> |
| 14. | Explanatory memorandum | These regulations affect also the private sector not just the public sector. | Hon. Haji Farhiya Ali | These Regulations only apply to public sector institutions as provided for under regulation 3. |
| 15. | | What is the game changer in these regulations | Hon. Haji Farhiya Ali | <p>The game changer in these regulations to fully operationalize the CoB Act. Further, the regulations will address the following:</p> <ul style="list-style-type: none"> ▪ To ensure efficient and prudent use of public funds ▪ Standardization of documents required for approval for withdrawal of funds ▪ Procedure for dispute resolution ▪ Enhance monitoring, evaluation and reporting on measure to improve budget implementation |
| 16. | | Do the Regulations address the issue of what happens to the | Hon. Haji Farhiya Ali | Counties are required to submit a report showing how the funds |

| No. | Regulation | Issue | Distinguished Member | Action taken/response |
|-----|------------|---|-----------------------|--|
| | | money that is disbursed | | were utilized. Further, the regulations require the submission of bank statements showing how previously approved funds were utilized. |
| 17. | | How is the investigation conducted by OCOB different from the one undertaken by OAG and EACC | Hon. Haji Farhiya Ali | <p>The investigation conducted by the COB is limited to matters relating to budgeting and budget process.</p> <p>Article 252 of Constitution gives the CoB powers to conduct investigations.</p> <p>The CoB has an Investigation Policy that guides the conduct of investigations.</p> |
| 18. | | Do you engage institutions of higher learning and other professional bodies such as the Universities, ICPAK, KASNEB in order to gain new ideas from them? | Hon. Haji Farhiya Ali | <p>The OCOB continuously interact with institutions of higher learning and other professional bodies in the course of discharge of its mandate. As a way of example, the OCOB has entered into a Memorandum of Understanding with institutions such as the Kenyatta University and the National Taxpayers Association in order to provide a framework for continuous interaction and engagement.</p> |

| No. | Regulation | Issue | Distinguished Member | Action taken/response |
|-----|------------|---|-------------------------|--|
| 19. | | Is there a maximum number of Supplementary budgets allowed per county? | | No. While there is no limitation in the number of supplementary budgets a County can pass, there are parameters in place under PFMA that guide re-allocation of funds. |
| | | Is the COB obligated to report to other institutions besides Parliament? | Hon. Samuel Poghisio | No. The COB is an independent office obligated to submit reports to both National Assembly and Senate. |
| 20. | | How long do reports take before reaching Parliament? | Hon. Mohamed Mwinyihaji | The budget implementation reports are submitted to parliament every four months as required by law |
| 21. | | Is there any law that compels the COB to furnish the report within 15 days? | Hon. Mohamed Mwinyihaji | Yes. Section 9 of the COB Act. |

Signed on this 24th day of November 2021

CONTROLLER OF BUDGET



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COMMENTS ON THE DRAFT CONTROLLER OF BUDGET REGULATIONS 2021 RECEIVED FROM STAKEHOLDERS TRAVELLERS BEACH HOTEL, MOMBASA

Key



Means the comment/submission has been adopted and incorporated in the Regulations

Means the comment/submission has not been adopted with sufficient reason

Means the comment does not require an amendment to the Regulations

| No | Regulation | Issue/comment/submission | Institution | Action /Response Taken |
|---------------------------|-----------------------|---|-----------------------------|---|
| PART I—PRELIMINARY | | | | |
| 1. | 2— Interpretation. | Define the term “receivers of revenue” | Auditor General | Adopted. |
| | | Define the term “pending claim” | Auditor General | Not adopted. The term pending does not appear in the document. |
| | | Define the term ‘mutatis mutandis’ | Auditor General | Not adopted. This is a legal maxim which means it is a established principle or proposition of the law. |
| | 3. Application | What is a County Government entity? | Kisumu County Assembly | Not adopted. The regulations have adopted the definition of “county government entity” as defined under the PFM Act, 2012. |
| | | Would it be more pragmatic if one says these regulations applies to all state organs (as defined in the Constitution- Article 260) including (then you put the list) so that if it emerges that in future an entity is omitted, it can have been interpreted to be still covered? | Patrick- a Citizen via Zoom | Not adopted. The definition of “state organ” |
| | | Why are State Officers differentiated from Public Officers? | CEC- Finance Nakuru County | Matter clarified |

| No | Regulation | Issue/comment/submission | Institution | Action Taken /Response |
|----|---|---|------------------------|--|
| | | Members of the public should be put as key stakeholders in these Regulations as provided for under Section 39(8) of the PFMA which requires the COB to give information on budget implementation to members of the public | Siaya County Assembly | Not adopted. The Regulations strictly apply to persons or institutions responsible for the management of public funds. |
| 2. | 4—Object of the Regulations. | Add an object on enforcement of compliance with all CoB functions. | Siaya County Assembly | Not adopted. This is not necessary as an objective because each objective cumulatively sums up the overall mandate of the COB functions. |
| | | No object regarding publicizing information to the public | Siaya County Assembly | Adopted. This has been addressed in Regulation 50. Objective clause amended accordingly |
| | 4(1)(b) | What budgetary ceilings? | Kilifi County Assembly | Matter clarified. Budgetary ceilings have been defined under regulation 2. |
| 3. | 5—Review of national government planning and budget documents | Revise the order of documents. Start with legislative documents | National Treasury | Not adopted. The order of the documents is aligned to the budget cycle process on timelines for submissions of the planning and budget documents. |
| | 5(1) | Use of the term approval and publication creates confusion | Busia County Assembly- | Not adopted. |

| No | Regulation | Issue/comment/submission | Institution | Action Taken /Response |
|----|-------------|---|--|---|
| | | | Director Legal Services | The terms approval and publication are distinct and connote different meanings within the context. The documents listed require either approval <u>OR</u> publication. |
| 4. | 5(1)(o) | Specify the report on unspent cash balance. Is it from Consolidated Fund or from MDAs? | National Treasury | Adopted. Regulations amended accordingly. |
| | 5(1) | We recommend that the office of the Controller of Budget requires the National and County treasuries to publish and publicize budget supplementary budget documents within seven days after approval by respective assemblies | Institute of Public Finance (IPF) Kenya-via Zoom | Not adopted This is not within the COB's mandate. |
| | 5(1)j | Insert the word "names of" before "authorized" | Central Bank of Kenya | Adopted. Regulations amended accordingly. |
| | 5(1)q | Definition of proof should be emphasized. COB should come up with a guide on what constitutes proof of public participation | Institute of Public Finance (IPF) Kenya. | Adopted. Regulations amended accordingly. |
| | 5(2)(d) | Is it confirmation in writing or just evidence (wording different from 5(1)(n)? | Baringo County Executive | Adopted. Regulations amended accordingly. |
| | 5(4) & 6(4) | This is misplaced. It is a post review of approved budget documents | National Treasury | Not adopted. COB has a mandate to review the planning and budget |

| No | Regulation | Issue/comment/submission | Institution | Action Taken /Response |
|----|------------|--|------------------------------|--|
| | | | | documents prior to their approval by relevant authorities for purposes of overseeing budget implementation. |
| | 5(4) | <p>What happens after the authorized document have been taken to the COB?</p> <p>Does the COB review the document and again submit the documents to the National Treasury for their further input?</p> | Baringo County Executive | <p>Not adopted.</p> <p>Authorized documents are used by the COB to to ensure that there is continuous improvement on budget implementation including preparation of quarterly reports.</p> |
| | 5(4) | <p>The review of documents post approval by either Parliament or County Assembly should be clarified and must not include an attempt to usurp the powers of the government in budget making.</p> <p>Given that the provisions of Section 8 of the Controller of Budget Act, 2016 require that budget documents be submitted to COB at the same time they are tabled in the legislatures, any comments from the COB can be submitted for legislative consideration prior to any approval.</p> | Nairobi City County Assembly | <p>Not adopted.</p> <p>COB has a mandate to review the planning and budget documents post approval by the relevant authorities for purposes of overseeing budget implementation.</p> |
| | 5(4)(a) | There is no timeline for the COB to give feedback yet there is a timeline for submission of the documents and yet the recommendation is binding | Baringo County Executive | <p>Adopted.</p> <p>Regulations amended accordingly.</p> |

| No | Regulation | Issue/comment/submission | Institution | Action Taken /Response |
|----|---|---|---|--|
| 5. | 6—Review of county government planning and budget documents | There is need to provide clarity in 6(1) and require that county governments submit tabled budget estimates and appropriation bill as a basis for passing Vote on Account. This would align the provision to Section 134 of PFM Act, 2012 | Nairobi City County Assembly | Matter clarified. Regulations were already aligned with this. |
| | 6(1) | To ensure authenticity of documents approved by the County Assemblies themselves submitting certified copies to the COB may need to be codified in the regulations | Nairobi City County Assembly | Adopted. Regulations amended accordingly. |
| | 6(1)(k) | Specify the nature of the proof of public participation | Intergovernmental Relations & Technical Committee | Adopted. Regulations amended accordingly. |
| | | Aren't the documents required to be presented already evidence that public participation has taken place in their preparation. | Baringo County Executive | Matter clarified. Aligned with comment above. |
| | 6(1)(k) | Proof of public participation. How will this requirement be achieved? | Muthoni Festus-via Zoom | Adopted. Regulations amended accordingly |
| | 6(1)(k) | Can the report for public participation be part of the budget document itself, because sometimes there is a disconnect? | Evans Kibet via Zoom | Adopted. Regulations amended accordingly |
| | 6(1)(k) | To consider the inclusion of the requirement for the involvement of County Budget Economic Forum (CBEF) in public participation in budget making process | Kilonzi Kangangi via Zoom | Adopted. Regulations amended accordingly. |

| No | Regulation | Issue/comment/submission | Institution | Action /Response Taken |
|----|------------|--|--------------------------|--|
| | 6(1)k | Use of proof vis a vis evidence | Baringo County Executive | Adopted. Regulations amended accordingly |
| | 6(l)l | The words “in the” used twice in the sentence | Baringo County Executive | Adopted. Regulations amended accordingly |
| | 6 | Sometimes the COB has requested for Hansard Report, should this be part of the documents requested. | Kericho County Assembly | Question responded to Regulations are aligned to this |
| | 6(2)(d) | Use of proof <i>vis a vis</i> evidence | Baringo County Executive | Adopted. Regulations amended accordingly |
| | 6(3) | To insert the term “of Budget” after the word Controller | Kericho County Assembly | Adopted Regulations amended accordingly |
| | 6(3) | The timeline of 7 days is unrealistic. State whether it is seven working days Consider adjusting to 10 working days | Kericho County Assembly | Adopted Regulations amended accordingly. |
| | 6(4)(a) | Why are the recommendation binding? Is it within the powers of the COB to give such “binding” recommendations? | Siaya County Executive | Matter clarified. COB is an independent office whose recommendations should be binding. Regulations aligned to enforce the functions of COB. |

PART II: PROCEDURE FOR APPROVAL OF WITHDRAWAL FROM PUBLIC FUNDS

| No | Regulation | Issue/comment/submission | Institution | Action Taken /Response |
|----|---|---|--|---|
| 6. | 8— Request for approval of withdrawal of funds from the Consolidated Fund. | Qualify by stating “signed by authorized person”. | Central Bank of Kenya | Adopted. Regulations amended accordingly |
| | 8(1)(a) | CoB to collaborate with CBK on access of signatories who are on CBK system. The Form ‘A’ should cover comprehensive information to show what program, sub-programme, approved budget, purpose of request etc. The ICT persons should develop a software ‘drop-down’ that will capture this information-that information should also help in reporting | Parliament Budget Office/Central Bank | Not adopted. Form A is accompanied by attachments that shows all the supporting information including programmes and sub programmes. |
| | 8(1)(c) | To consider stating payments in recurrent and development accounts waiting to be paid. | Central Bank of Kenya | Adopted. Regulations amended accordingly |
| | 8(1)(c) | Grant CoB access to the CF account to view balances. | Central Bank of Kenya | Adopted. Regulations amended accordingly |
| | 8(2) | Will the documents requested be accessed by the public, who are interested or will this have to be balanced with demands for confidentiality? | Irene – Institute of Public Finance (IPF) Kenya-via Zoom | Matter clarified. Regulation 50 allows CoB to provide access to information subject to provisions of the Access to Information Act |
| | 8(2) | Make such requests periodical rather than for every request given that NT | National Treasury | Adopted. |

| No | Regulation | Issue/comment/submission | Institution | Action Taken /Response |
|----|--------------|--|---|--|
| | | make requests on behalf of 65 MDAs and state departments. | | Regulations amended accordingly |
| | 8(2)(a)(iii) | Consider adding timelines for implementing the payment plan for pending bills. | National Treasury | Not adopted. This concerns other institutions and not squarely within the mandate of the CoB. |
| | 8(2)(a)(ii) | Should CoB request a complete list of all projects or specific report per project? | National Treasury | Adopted. Regulation amended accordingly. |
| | 8(2)(a)(ii) | Clarify the content of the status report of ongoing and stalled projects The progress report should be accompanied by the workplan/ work programme to get accurate picture of the status of project | Parliamentary Budget Office | Matter clarified. Regulations is already aligned to this. |
| | 8(2)(a)(ii) | How does the status report look like? How can the COB prove the status of the project? Is it possible to enrich to include minutes of the Project Management Committee | Evans Kibet-Centre for Enhancing Democracy and Good Governance (CEDGG) via Zoom | Matter clarified. Regulations is already aligned to this. |
| | 8(2)(a)(iv) | Why vote book for development expenditure yet it is the manual vote book that is attached and not IFMIS vote book? Not all the money shown in the IB is disbursed and when that happens it is listed as a pending bill then the COB | Siaya, Tharaka Nithi & Tana River County Assembly | Matter clarified. |

| No | Regulation | Issue/comment/submission | Institution | Action Taken /Response |
|----|-------------|---|-----------------------------|---|
| | | goes ahead to deny the counties money based on reasons beyond the counties control. | | |
| | 8(2)(b) | Add analysis of current grants as one of the requirements | National Treasury | Adopted. Regulations amended accordingly |
| | 8(2)(b) | If a request is only for salaries, why provide all those other documents. Re-word the provision, so that only the applicable documents should be provided. | Siaya County Executive | Adopted. Regulations amended accordingly |
| | 8(2)(b)(iv) | Not clear because of use of "or". Let roman (i) and (ii) handles salaries, (iv) deals with operations and maintenances only. | Auditor General | Adopted. Regulations amended accordingly |
| | 8(2)(b)(ii) | To add analysis of salaries so that it is not just a schedule of salaries only but also includes analysis. | Makueni County Assembly | Adopted. Regulations amended accordingly |
| | 8(2)(b)(iv) | No provision for requisition for grants e.g. recurrent grants to universities Currently – capital grants are project specific and not lump sum | Auditor General | Not adopted. This is provided for as part of the requisition for recurrent expenditure |
| | 8(2)(c) | Liaise with PBO on submission of approved budget to CoB. NT also receives a certificate from Clerk of Assembly communicating/notifying the approval of budget estimates | Parliamentary Budget Office | Matter clarified. Regulations already aligned to this |

| No | Regulation | Issue/comment/submission | Institution | Action Taken /Response |
|----|------------|---|--|---|
| | 8(2)(c)(i) | There are certificates communicated by the Clerk and not Speaker | Siaya County Assembly | Not adopted. PFM Act provides that communication under vote on account is given by the Speaker. |
| | 8(3)a | Replace 'in to' with 'from' | Central Bank of Kenya | Not adopted. PFM Act provides for a withdrawal from the Consolidated Fund in to the Judiciary Fund. |
| | 8(3)(b) | Since the debt will either be applied on recurrent or development priorities, can we demand that the documents required for National & County level development and recurrent projects, be attached to the request for repayment of the interest. | Irene – Institute of Public Finance (IPF) Kenya-via Zoom | Adopted. Regulations amended accordingly |
| | 8(3)(b) | Will the OCOB proactively share all the information that they access in the ordinary discharge of its mandate. | Irene – Institute of Public Finance (IPF) Kenya-via Zoom | Matter clarified. The Controller of Budget is required to give information on budget implementation to the public as provided for under Section 9 of the COB Act, Section 39(8) of PFM Act, 2012 and subject to Access to Information Act, 2016. Regulations already aligned to this. |
| | 8(3)(c) | Some debt agreements do not make provision for an invoice. | Central Bank of Kenya/Nat | Adopted. Regulation amended accordingly |

| No | Regulation | Issue/comment/submission | Institution | Action Taken /Response |
|----|-------------|---|-----------------------|--|
| | | <p>Should NT provide the agreement with the lender that shows the timelines for payment?</p> <p>Interest accrues on a daily basis on any debt not paid by NT</p> <p>CBK furnishes the Consolidated account with OD account...when money is credit to consolidated fund the OD automatically charges CF.</p> <p>CBK gives NT on the balance of OD and charges thereof</p> <p>They also give monthly report on charges to NT for planning purposes.</p> | ional Treasury | |
| | 8(3)(c)(vi) | NT does not create an invoice to pay the debt but payment is based on the loan agreement | National Treasury | Adopted. Regulations amended accordingly |
| | 8(4)(b)(i) | <p>We no-longer have sub-votes.</p> <p>PBB approach does not recognize sub votes</p> | National Treasury | Adopted. Regulations amended accordingly |
| | 8(8) | <p>The prescribed format (Form B) should be as per the requirement of Section 9 of COB Act.</p> <p>It should capture information on approved budget, programme and sub programmes for use during reporting.</p> <p>Automate the exchequer requisition process</p> | Central Bank of Kenya | Matter clarified. Regulations already aligned to this |

| No | Regulation | Issue/comment/submission | Institution | Action Taken /Response |
|----|---|---|--|--|
| | General provision (8) | Some of these documents should be given periodically. | Tana River CEC Finance/C hair-CEC Caucus | Adopted Regulations amended accordingly |
| | General provision (8) | Add a clause for procedures on the withdrawal from CF to CRF | Inter-Governmental Relations & Technical Committee | Adopted. Regulations amended accordingly |
| | 9— Request for approval of withdrawal of funds from the Equalization Fund. | These documents should be submitted at the beginning of the year | National Treasury | Adopted. Regulations amended accordingly |
| 7. | 9(1)(d) | An approved work plan of what? In any case, if the work plan is annually, why submit it for every request. Suppose one makes several requisitions in a financial year why submit the same annual plan? | Patrick via Zoom | Adopted. Regulations amended accordingly |
| 8. | 10(1)(d)— Request for approval of withdrawal of funds from the County Revenue Fund. | Are the revenue receipts applicable? Do you bring all the total number of receipts? | Tana River -CEC- Finance | Adopted. Regulations amended accordingly |
| | 10(1)(e) | Replace ‘up to date’ with “the period since the last exchequer issue” | Central Bank of Kenya | Not adopted. *Once a request for withdrawal of funds is cleared, an account |

| No | Regulation | Issue/comment/submission | Institution | Action Taken /Response |
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| | | | | should not be overdrawn. |
| | 10(2)(c)(i) | The requirement that funds established by the Acts of the County Assembly shall have attendant regulations for them to be operational is not in tandem with underpinning law provided for in Section 116 of PFM Act and Regulation 197 of the PFM (County Government) Regulations, 2015 | Nairobi City County Assembly | Not adopted. Section 116 of the PFM Act provides that regulations may provide for the establishment, management, operation or winding up of county public funds. |
| | 10(2)(a) | Sometimes there is a disconnect between the budget uploaded in the IFMIS and the one passed by the County Assembly. Do we provide that the CA should relook at the budget to confirm the budget signed by the governor is the one approved by the CA? | Busia County Assembly | Matter clarified. Regulations already aligned to this |
| | 10(2)(a)(ii) | To include project implementation status report per ward to confirm equity | Machakos County Executive | Matter clarified. Regulations already aligned to this. |
| | 10(2)(a)(v) | What's the composition of budget extract? | Busia County Assembly | Matter clarified. |
| | 10(2)(c)(ii) | No need for work plan in case of emergency funds. | Tana River CEC- Finance | Matter clarified. |
| | | To delete the word "annual" in the work plan. | Lamu County- CEC- F/Siaya County Assembly | Adopted. Regulations amended accordingly |

| No | Regulation | Issue/comment/submission | Institution | Action Taken /Response |
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| | 10(2)(c) | The COB requires returns of previous amounts that had been issued regarding special funds. That has not been captured in the Regulations. | West Pokot County Executive | Adopted. Regulations amended accordingly |
| | 10(2) | To consider including a Fund bank statements and quarterly report statements as part of the documents that ought to be submitted. | Internal | Adopted Regulations amended accordingly |
| | 10(2)(d)(i v) | To delete the term “annual” before work plan. | West Pokot County Executive | Adopted. Regulations amended accordingly |
| | 10(2)(e)(i) | If there is a standoff between the Assembly and the Executive, how will the Speaker issue the communication? | Makueni County Executive | Matter clarified. Section 134 of PFM Act requires that the Speaker issues the communication |
| | 10(2)(e)(vi) | Is there need for Appropriation Bill when requisition is done under vote on account? | Tharaka Nithi County Assembly | Matter clarified. It is a legal requirement that a vote on account must be accompanied by an Appropriation Bill following the High Court ruling on this matter |
| | 10(2)(e)(ii) | If the Appropriation Bill is a compulsory requirement for vote on account, then budget estimates are not feasible | Siaya County Assembly | Matter clarified. Refer to Section 134 (2)(b) |
| | 10(5) | How are the reasons given, verbally or in writing? To specify. To include a timeline for giving reasons to 7 days. | Siaya County Assembly | Adopted in part. It may not be practical to issue timelines for giving reasons |

| No | Regulation | Issue/comment/submission | Institution | Action Taken /Response |
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| | | | | Regulations amended accordingly |
| | 10 | CA should have viewership of CRF account | Siaya County Assembly | Not adopted. This is a substantive issue that needs to be legislated by an Act of Parliament. |
| | 10 | CoB should include enforcement measures for cashflow in regulations | Tharaka Nithi County Assembly | Matter clarified. This is an administrative matter |
| 9. | 11— Request for approval of withdrawal of funds under Article 223 of the Constitution, 2010. | Enhance this regulation to capture un-anticipated costs | Central Bank of Kenya | Not adopted. The Regulations has already provided for this. |
| | 11(2) and 12(2) | Those factors are already reviewed and competently determined by the relevant County Executive Committee Member hence CoB should not re-consider them again. (Section 135 and 154 of PFM Act, 2012 and Regulation 39 of PFM (County Governments) Regulations, 2015 | Nairobi City County Assembly | Not adopted. COB is exercising her mandate to authorize withdrawal of funds by considering those factors. |
| 10. | 12— Request for approval of withdrawal of funds under section 135 of the | Regulation 12 ignores the mandate of the county assembly as provided by section 135 of the PFMA 2012 which gives powers to County Assemblies to approve monies spent by a county government that has | Hon. Allan Wafula-SOKATT & Secretary to the County Assembly Service | Matter clarified. Section 135 of the PFM Act provides that the role of the County Assembly comes after the expenditure has been incurred |

| No | Regulation | Issue/comment/submission | Institution | Action Taken /Response |
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| | Public Finance Management Act, 2012. | not been appropriated in the appropriation act. | Board-via Zoom | |
| | 12 | On supplementary budgets expenditures -we have noted a trend in counties where the public priorities are altered substantively. Is it within the mandate of the COB to control this? If yes, how so? | Evan Kibet, Centre for Enhancing Democracy and Good Governance (CEDGG) via Zoom | Matter clarified. Regulations already aligned to this. |
| | 12 | Can CoB come up with measures to address where county treasury reduces funds from other entities during supplementary budget yet the commitment of the funds had already been made. | Hon. Allan Wafula-SOKATT & Secretary to the County Assembly Service Board-via Zoom | Not adopted. The CoB is guided by the values and principles under Article 201 of the Constitutions that requires equitable distribution of resources |
| 11. | 13— Request for approval of withdrawal of funds from a public fund. | What happens if the revolving funds accounts are depleted? | Kericho County Assembly | Matter clarified. Regulations already aligned to this. |
| | 13(1)(g) | To delete the term “annual” before work plan. | Nyandarua County Assembly | Adopted Regulations amended accordingly |
| 12. | 14— Request for withdrawal of funds subsequent to transfer of power, functions | The requirements listed have excluded key budget documents relevant to the transfer of functions key among them approved budget estimates at both levels, County Allocation of Revenue Acts framework for | Nairobi City County Assembly | Adopted. Regulations amended accordingly |

| No | Regulation | Issue/comment/submission | Institution | Action Taken /Response |
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| | or competencies between the two levels of Government. | funding of transferred functions undertaken by both levels of government, Appropriation Bill for the National Government and respective County Government matching up to the cost of transferred functions and request for withdrawal of funds initiated by either the respective CEC-Member for Finance or Cabinet Secretary as the case may be. | | |
| 13. | 15— Validity of approvals by Controller of Budget for withdrawal of funds. | To indicate the period within which the COB should communicate once a request has been forwarded and a decision issued by the COB. | Nyandarua County Assembly | Not adopted The FFM Act has identified the relevant institutions that CoB communicate to once an approval is granted |
| 14. | 16— Overdrawing of funds. | Owners of the accounts should give consent to CoB to access exchequer account otherwise it will require PFM amendments to legally grant CoB access. Banking laws do not allow access of account without owners of the accounts giving consent. Once access is granted, the COB can see the signatories and balances. | Central Bank of Kenya | Adopted Regulations amended according |
| | 16 | The provisions appear as a substantive matter of law that should have been legislated in the mother acts and not regulations | Nairobi City County Assembly | Not adopted. The provision gives effect to the Act. |
| PART III MONITORING, EVALUATION AND REPORTING ON BUDGET IMPLEMENTATION | | | | |

| No | Regulation | Issue/comment/submission | Institution | Action Taken /Response |
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| 15. | 17(2)— Compliance and enforcement of budgetary ceilings. | To consider replacing “may” with “shall” | Siaya County Assembly | Not adopted. This regulation uses “may” to give the Controller of Budget discretion or flexibility when making the decision. |
| 16. | 18— Advisory on compliance and enforcement budgetary ceilings. | Capture ceilings issued through circulars by relevant authorities | Commission on Revenue Allocation | Adopted Regulations amended accordingly. |
| | | Provide for a report on institutional compliance with the budgetary ceilings | Commission on Revenue Allocation | Adopted Regulations amended accordingly. |
| | | Check on court judgement on what constitute material breach | Commission on Revenue Allocation | Matter clarified. Section 94 of the PFM Act sufficiently addresses this. |
| | | Does it qualify as reporting? | Commission on Revenue Allocation | Matter clarified. Regulations already aligned to this. |
| | | Need for a regular (quarterly report) on ceilings? | Commission on Revenue Allocation | Adopted Regulations amended according |
| | 18 | Consider section 15 of PFM on fiscal responsibilities principles vis a vis enforcement of budget ceilings | Commission on Revenue Allocation | Adopted Regulations amended accordingly. |
| | | Compliance with budget ceiling should be at macro level | Commission on Revenue Allocation | Matter clarified Regulations already aligned to this. |
| | | When sending an advisory to the accounting officer on non-compliance with | Commission on | Not adopted. |

| No | Regulation | Issue/comment/submission | Institution | Action Taken /Response |
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| | | budgetary ceiling, a copy should be sent to the National Treasury | Revenue Allocation | The CoB Act, 2016 has not contemplated such scenario |
| | 18 | COB Act uses 'shall' under Section 5(1) while draft regulations use the term 'may' | Council of Governors | Not adopted. This is discretionary with regards to powers of the CoB to issue advisory. |
| | 18 | Should the regulation pronounce itself on persistent material breach vis-à-vis stoppage of funds | Auditor General | Adopted Regulations amended accordingly. |
| | 18 | Section 5(d) of the Act – substitute the word 'may' with 'shall' in congruence with COB Act Section 5(d) | Institution of Certified Public Accountants (Kenya) | Not adopted. This is discretionary with regards to powers of the CoB to issue advisory |
| 17. | 19— Monitoring, evaluation and reporting. | There is no information on vision 2030 flagship projects – solution – we move monitoring from MED (under State Department for Planning) to OCOB so that the public can have updated information on project status – since all funds are approved by OCOB | Auditor General | Matter responded to. Regulations already aligned to this. |
| | 19 | Strengthen the M&E function to monitor implementation of key government policies such as Big4, Covid 19 Stimulus programme, LAPPSET. Currently, national M&E function is weak and information is fragmented. | Parliamentary Budget Office | Matter responded to. Regulations already aligned to this. |
| MONITORING EVALUATION AND REPORTING | | | | |

| No | Regulation | Issue/comment/submission | Institution | Action Taken /Response |
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| 18. | 20— Monitoring, evaluation and reporting framework | The timeline for developing the M&E framework is not necessary | Auditor General | Not adopted. Timeline is necessary for full operationalization of the CoB Act |
| 19. | 21— Factors to consider when conducting monitoring, evaluation and reporting. | Ensure harmony in listing institutions throughout in the draft | Institution of Certified Public Accountants (Kenya) | Not adopted Listing of institutions is based on their relevance |
| | 21 | The factors listed should not be used to halt implementation of an approved budget but to inform the budget making process for the subsequent period. Further, the same should not oust the roles of CRA and other entities relevant to budgeting at both levels of government. It is noteworthy that the provisions of Section 9(4) of COB Act, 2016 bars the COB from reporting on revenue outlook. | Nairobi City County Assembly | Matter clarified. The factors are in line with the Act and the PFM Act |
| | 21 | Most of these factors are addressed under the fiscal responsibility principles hence should be deleted Add a clause requiring CoB to track and follow up on the implementation of the recommendations contained in the BIR | National Treasury National Treasury | Adopted Regulations amended according Not adopted. To be addressed administratively. |

| No | Regulation | Issue/comment/submission | Institution | Action Taken /Response |
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| 21 | | To align actual performance against target | National Treasury | Matter clarified. Regulations already aligned to this |
| 21 | | What can CoB do to address the shoddy implementation of projects in counties towards the end of the financial year? | Salim Barnabas via Zoom | Matter clarified. Regulations already aligned to this. |
| 21 | | Capture information on pension and public debt | National Treasury | Not adopted. This has already been addressed under Regulation 21 |
| 21 | | A lot of redundancy 21(b)... 21(d)...there are fiscal responsibility principles ...we don't need to break them down | Auditor General | Adopted Regulations amended according |
| 21 | | Tracking of the COB's recommendation – needs to be considered in the regulation | Institution of Certified Public Accountants (Kenya) | Not adopted. To be addressed administratively. |
| 21 | | The reports do not adhere to Section 9 | Parliamentary Budget Office | Matter clarified Regulations already aligned to this. |
| 21(b) | | 'Balanced' - What about deficit or surplus budgets | National Treasury | Not adopted Regulations already aligned to this. |
| 21(b) | | It cannot stand alone...need to clarify the same | Inter-Governmental Relations and Technical Committee | Adopted Regulations amended accordingly |

| No | Regulation | Issue/comment/submission | Institution | Action Taken /Response |
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| | 21 (d) | On regulation 21 (d) which speaks to percentage resource allocation between recurrent and development expenditure, can this be enhanced from being only a M&E and reporting function of the CoB to a core requirement prior to approval of withdrawals. This can be done by making it mandatory for county governments to provide evidence of compliance to the fiscal responsibility principle so as to compel county governments to comply. | Walter Kirui- Institute of Public Finance (IPF)Kenya | Matter clarified Regulations already aligned to this. |
| | 21(p) | What is the meaning of “any other factors” | SIAYA County Assembly | Matter clarified This caters for unique circumstances on a case to case basis. |

PART VI REPORTING TO PARLIAMENT ON IMPLEMENTATION OF BUDGETS OF NATIONAL & COUNTY GOVERNMENT

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|-----|---|---|------------------------------|---|
| 20. | 22— Quarterly reports. | Add special reports | Controller of Budget | Adopted. Regulations amended according |
| | 22 | To consider producing mwananchi friendly quarterly reports and make them available at the ward administrators offices | Salim Barnabas via Zoom | Matter clarified. Regulations already aligned to this. |
| 21. | 23(1)— Submission of reports to the Controller of Budget. | Section 166 of PFM Act, 2012 mandates Accounting Officers to prepare reports and submit the same to County Treasury for consolidation before submitting the same to Controller of Budget. | Nairobi City County Assembly | Adopted Regulations amended accordingly. |

| No | Regulation | Issue/comment/submission | Institution | Action Taken /Response |
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| | | <p>The underpinning law therefore does anticipate accounting officers of County Government entities directly submitting reports to the COB as provided for in the draft regulations.</p> <p>In addition, it would be highly untidy if the reporting structure contained in the regulations were to be implemented</p> | | |
| | 23(1) | The PFMA requires submission of reports by 15 th yet the draft regulations require submission by 10 th . | Commission on Revenue Allocation | Adopted Regulations amended accordingly; reporting period amended to quarterly. |
| | 23(1) | <p>Review from 10th day of each month to 15th day to make it more practicable.</p> <p>Or revise the timeline to quarterly</p> | Tana River CEC/Chair CECs Caucus | Adopted Regulations amended accordingly; reporting period amended to quarterly. |
| | 23(1) | PFM act reporting timeline takes precedence | National Treasury | Adopted Regulations amended accordingly; reporting period amended to quarterly. |
| | 23(1) | The office of the controller of budget should align this regulation with PFM Act 2012 Reg 55. (1) which requires an Accounting Officer of a national government entity shall not later than the 10th day of each month submit a monthly financial and non-financial budgetary report in the format to be issued by the Cabinet Secretary relating to the activities of | Institute of Public Finance (IPF) Kenya | Adopted Regulations amended accordingly; reporting period amended to quarterly. |

| No | Regulation | Issue/comment/submission | Institution | Action Taken /Response |
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| | | his or her national government entity for the preceding month to the National Treasury with copies to the Controller of Budget and the Auditor-General. | | |
| 23(1) | | The reporting format needs to be provided for. Eg state to submit “in a prescribed format...” | Institute of Certified Public Accountants (Kenya)/ Commission on Revenue Allocation | Not adopted. CoB is not authorized to delegate a delegated authority. |
| 23(1) | | County Treasury should maintain the role of consolidating reports | Siaya County Executive | Adopted Regulations amended accordingly. |
| 23(1) | | What is practicability of each accounting officer submitting reports to CoB How different is this reporting requirement from s.166 of PFM | Busia County Assembly | Adopted Regulations amended accordingly |
| 23(1) | | The County Executive money is centralized at the Treasury thus it will be hard for each accounting officer to report. | Kericho County Assembly | Adopted Regulations amended accordingly |
| 23(1) | | This requirement should be handled administratively | Siaya County Executive | Matter clarified. There is a gap between the role of the Controller of Budget under Article 228(4) and Section 9 of the COB Act, and Section 166 of the PFM that require legislative amendments. |

| No | Regulation | Issue/comment/submission | Institution | Action Taken /Response |
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| | 23(2) | Review this requirement because not all CEC Finance are accounting officers | CEC Finance Nyamira County | Matter clarified. The duty to report rests with the accounting officer |
| 22. | 24(a) Content of the report. | Not all accounting officers are receivers of revenue To introduce a regulation to cater for reporting by receivers of revenue | Tana River CEC/Chair CECs Caucus | Adopted Regulations amended accordingly |
| | 24 | Include a report on unremitted statutory deductions | Commission on Revenue Allocation | Matter clarified. Regulations cover this in the analysis of salaries under requisition for payment of recurrent expenditures. |
| | 24 | Add a clause to require submission of unpaid statutory dues Among the document submitted – to include unpaid taxes, NHIF, NSSF and other statutory dedications – especially by Counties | Auditor General | Matter clarified. Regulations cover this in the analysis of salaries under requisition for payment of recurrent expenditures. |
| | 24 | Include approved budget | Commission on Revenue Allocation | Not adopted. Regulations already aligned to this |
| | 24 | Include approved or supplementary budget | Commission on Revenue Allocation | Not adopted. Regulations already aligned to this |
| | 24(b) | No need to repeat the term “report” since it is already stated in the opening sentence. | National Treasury | Not adopted It is relevant in this context |

| No | Regulation | Issue/comment/submission | Institution | Action Taken /Response |
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| 24 | | Arrange the content of the report systematically | National Treasury | Not Adopted There is no particular order of arrangement. |
| 24 | | Use government classification system (GFS) in this section | National Treasury | Not adopted. Regulations already aligned to this |
| 24 | | Report on specific government policy interventions or achievement of flagship programmes | Parliamentary Budget Office | Matter clarified. Regulations already aligned to this |
| 24 | | Prescribed format in consultation with PSASB Report should include challenges encountered in implementing the budget | Institution of Certified Public Accountants (Kenya) | Matter clarified. This will be addressed administratively |
| 24 | | All sectors address the Bill of Rights. Each government institution plays a role in the progressive achievements of the Bill of Rights | National Treasury | Adopted Regulations amended accordingly |
| 24 | | Add a clause on submission of CFS | National Treasury | Adopted. Regulations amended accordingly |
| 24 | | Add a clause on revenues disaggregated by streams at both national and county governments | National Treasury | Adopted. Regulations amended accordingly |
| 24 | | Proposed regulation on receivers of revenue Add a section or regulation to address matters relating to revenue collection in particular receivers of revenue | National Treasury | Not adopted. Regulations already aligned to this |

| No | Regulation | Issue/comment/submission | Institution | Action Taken /Response |
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| PART IV—INVESTIGATIONS | | | | |
| 23. | 25— Power to investigate. | How can CoB partner with other institutions to ensure that the investigations reach a logical conclusion | Auditor General | Matter clarified Regulations already aligned to this |
| | 25 | Reconcile the function with the Whistle Blower Act | Auditor General | Matter clarified There are sufficient legislations to deal with the matter |
| 24. | 26— Guiding principles of conducting investigations. | Define ‘procedural fairness’ | Kericho County Assembly | Matter clarified Regulations amended accordingly |
| 25. | 28(2)— Impersonating investigator. | To standardize the regulations with the Controller of Budget Act, 2016 in terms of punishment for the offence. | Institute of Public Finance (IPF) Kenya | Not adopted. Section 24(5) of the Statutory Instruments Act (SIA) 2013 provides that there may be annexed to the breach of statutory instrument a penalty, not exceeding twenty thousand shillings or such term of imprisonment not exceeding six months, or both, which the regulation making authority may think fit. |
| 26. | 29— Procedure for conducting investigations. | Add a clause to capture issues that can be investigated? e.g. issues on equity in resource distribution The word ‘breach’ is wide enough to cover many issues. | Inter-Governmental Relations and Technical Committee | Adopted. Regulations amended accordingly and aligned with Section 94 of the PFM Act, 2012 |

| No | Regulation | Issue/comment/submission | Institution | Action Taken /Response |
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| | | If an accountant is in breach the relevant bodies should be informed e.g. ICPAK. | | |
| | 29(1) | Preliminary investigations should have a timeline e.g. 14 days, 21 days etc. | Auditor General | Not adopted. There are many factors that can come into play during investigations hence not possible to anticipate the length of time it might take to conduct preliminary investigations. |
| | 29(2)(a) | <p>Once relevant authority (Parliament or County Assembly) has approved the relevant budget documents, it is anticipated that any deviation from the planning documents have also been approved hence the COB has no role in raising issues that the legislatures who have the competent jurisdictions have fully determined.</p> <p>The PFM law itself does not anticipate that budgets are static hence the reason they allow the relevant CECM-Finance or the Cabinet Secretary to deviate from prior approved documents/approved ceilings and provide adequate justification. In any case, investigations should relate to matters that cannot be determined and concluded <i>prima facie</i>. Deviation from planning documents or set ceilings may be determined without investigations.</p> | Nairobi City County Assembly | Matter clarified Regulations aligned to legislative frameworks on this |

| No | Regulation | Issue/comment/submission | Institution | Action Taken /Response |
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| | 29(3) | CoB should invite other investigating agencies when conducting the investigation. | Inter-Governmental Relations and Technical Committee | Matter clarified Regulations aligned to this |
| | 29 | Who is the consumer of the report – by law the consumer of COB reports is parliament. In addition to sharing report to parliament you share the report to relevant institutions e.g. EACC or DCI. To introduce a clause to share with relevant institutions for prosecution purposes. | Institution of Certified Public Accountants (Kenya) | Matter clarified. Regulations already aligned to this |
| 27. | General | The draft lacks provisions to address what happens after the investigation has been completed | Institution of Certified Public Accountants (Kenya) | Adopted. Regulations amended accordingly |
| 28. | General | Involve/inform professional institutions i.e. ICPAK where the investigation touch on conduct of a professional practitioner for administrative measures | Institution of Certified Public Accountants (Kenya) | Not adopted. Regulations already aligned to this. |
| 29. | General | Add a clause to enable an investigator seek assistance from other institutions when conducting investigations | Auditor General | Matter clarified. Regulations already aligned to this. |
| 30. | 30— Power to summon, enter and search. | Specify which warrant to avoid misapplication | Auditor General | Adopted. Regulations amended accordingly |

| No | Regulation | Issue/comment/submission | Institution | Action Taken /Response |
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| 31. | 31(2) — Conduct of investigation on stoppage of funds. | Reconcile substantive issues with serious material breach | County Assembly Forum | Adopted. Regulations amended accordingly |
| PART V DISPUTE RESOLUTION AND COMPLAINT HANDLING | | | | |
| 32. | 32— Jurisdiction of Controller of Budget. | Simplify the meaning of conciliation, mediation and negotiation so that it is easily understood by the public This section should be simplified for Wanjiku to understand | Auditor General | Not adopted. Regulations are drafted in conformity with Article 252 of the Constitution and the ADR procedures are common terms used in the law. |
| | 32 | It covers only complaint submitted to CoB Include a clause where a dispute is in public domain and relate to the mandate of the COB. Can the CoB take up such an issue and investigate on his or her own motion? | Commission on Revenue Allocation | Matter clarified. Regulations already aligned to this under the CoB investigative powers |
| 33. | 33— Lodging of complaint. | Be specific on the modalities i.e. the format for submitting a complaint. Consider prescribing a Form or make available on the website. | Institution of Certified Public Accountants (Kenya) | Not adopted. The CoB will accept complaint submitted in any format. |
| | 33 | Provide for a regulation to cater for the safety of complainant especially where the matter reported is sensitive and may pose a serious threat to his/her life. To consider collaboration with Witness Protection Agency. | Charles Kirui- Institute of Public Finance (IPF)Kenya -via Zoom | Matter clarified The matter is sufficiently addressed by other legislations |

| No | Regulation | Issue/comment/submission | Institution | Action Taken /Response |
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| 34. | 34— Register of Complaints. | The register should be accessible to public upon request. Such request can be charged. | Institute of Certified Public Accountants (Kenya) | Matter responded to. Regulations already aligned to this. |
| 35. | 35 (1) — Form of complaint. | Provide for the complainant to be accompanied by a witness to attest to the accuracy of the written complaint. | Central Bank of Kenya | Not adopted. It is not a requirement of law to have a witness when giving oral evidence before reducing it into writing. |
| 36. | 37(2)— Discontinuation of a complaint. | It does not make sense for a complainant to submit an appeal to the same institution. | Embu County Executive | Adopted. Regulations have been amended accordingly |
| 37. | 40(2)— Joint consideration of complaint. | Use simple terms in reference to <i>mutatis Mutandis</i> | Auditor General | Not adopted This is a legal maxim which means it is an established principle or proposition of the law. |
| 38. | 41(1)— Action on complaint. | Add timelines for CoB response | National Treasury | Not adopted May to be addressed administratively |
| | 41(3)— Failure to respond to summons. | Does CoB have Power to summon? | Commission on Revenue Allocation | Matter clarified. Section 16 of the CoB Act empowers the CoB to summon |
| PART VI—MISCELLANEOUS PROVISIONS | | | | |
| 39. | 50— Access to information. | There should be library at OCOB where members of the public can access hard copy of the documents. This should be captured in the report. | Institute of Certified Public Accountants (Kenya) | Matter clarified. This shall be handed administratively |

| No | Regulation | Issue/comment/submission | Institution | Action Taken /Response |
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| | 50 | This may involve some charges e.g. photocopying, printing, translating in some form, analysis etc. Charging is allowed by Access to Information Act, the institution will provide how the cost was arrived at | Institute of Certified Public Accountants (Kenya) | Matter clarified. This is sufficiently provided for under the Access to Information Act. |
| | 50(1) | To include publicize | National Treasury | Adopted Regulations amended accordingly |
| | 50 | To consider translating the regulations in Kiswahili | Zaccheus via Zoom | Matter clarified. To be handed administratively |
| | 50 | Provide for how information will be shared in line with Access to Information Act | Institute of Certified Public Accountants (Kenya) | Matter clarified. Regulations already aligned to this. |
| 40. | 50(1) | Publishing and publicizing quarterly and special reports. | Institute of Public Finance (IPF) Kenya | Adopted Regulations amended accordingly |
| | 50(3) | This should be done on quarterly basis | Nyamira County Executive | Matter clarified. To be handed administratively |
| 41. | 53— Record management. | We recommend that the office of the controller of budget includes development of a publicly accessible database with all government budgets and budget implementation reports. | Institute of Public Finance (IPF) Kenya | Matter clarified. To be handed administratively |
| 42. | 53 | In addition, the Office of Controller of Budget should develop citizen friendly | Institute of Public | Matter clarified. |

| No | Regulation | Issue/comment/submission | Institution | Action Taken /Response |
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| | | versions for budget implementation reports for meaningful citizen engagement. | Finance (IPF) Kenya | To be handed administratively |
| SCHEDULE | | | | |
| 43. | SCHEDULE — Form A | Include mandate number for authorized signatories | Central Bank of Kenya | Adopted Form amended accordingly |
| | Form A | Edit the content that comes after institution logo-use either the name of the institution or the Fund | Central Bank of Kenya | Adopted Form amended accordingly by deleting list of institutions |
| | Form A | Insert in brackets 'specify the fund' after 'ANY OTHER FUND' | Central Bank of Kenya | Not adopted. The list of institutions on the form have been deleted |
| | Form A | The term 'Equalisation' is misspelt | Central Bank of Kenya | Adopted Regulations amended accordingly |
| | Form B | Should be addressed to the Director, Banking Services; not the Governor for operational efficiencies | Central Bank of Kenya | Not adopted. The PFM Act requires the form the communication to be issued to the Central Bank of Kenya. |

Kenya joins initiative meant to prevent outbreak of conflicts in Comesa region

BY MWANGI GAKUNGA

Kenya is the second country in the COMESA region and the fourth in Africa, to undergo structural vulnerability and resilience assessment as part of capacity building to prevent occurrence of conflicts in the region.

To achieve this, the National Cohesion and Integration Commission (NCIC) is working with COMESA and the Africa Union Peace and Security Programme, to implement the COMESA Early Warning (COMWARM) system and the AU Country Structural Vulnerability and Resilience Assessment framework (CSVRA).

Since the beginning of the month, COMESA Secretariat in collaboration with the African Union and Save the Children International hosted a five-day training in Livingstone, Zambia, for Commissioners of the NCIC led by the Chair, Rev Dr Samuel Kobia and members of the Parliamentary Committee on National Cohesion and Equal Opportunities led by Prof Zadok Ogutu.

The training, according to COMESA Secretary General MS Chileshe Kapwepwe, will help NCIC and other key stakeholders in Kenya, to develop a roadmap of the implementation of the CSVRA process in the country besides



Rev Dr Samuel Kobia (3rd right) with Commissioners of the NCIC attending COMESA-AU training in Livingstone, Zambia

paving the way for Kenya to volunteer for the assessment process, which will be supported by both the AU and COMESA.

Ms Kapwepwe added that COMESA and AU will provide technical assistance and tools to help the identification of structural vulnerabilities as well as develop homegrown strategies to enhance resilience in the country.

Ms Kapwepwe assured the Kenyan delegation that COMESA and the AU will jointly mobilize the necessary resources to ensure its success and enable the stakeholders to systematically identify

areas of vulnerability and agree on the best response options.

"Apart from equipping your situation room, which shall be done by the AU, we shall also support the meetings and workshops as well as support the recruitment of a consultant who will be identified by Kenya once the country agrees to volunteer to the process. We shall also readily provide you whatever technical support that you shall need to ensure that the process is successful," Ms Kapwepwe assured.

COMESA has been implementing an early warning

system (COMWARM) that provides forecasts on the structural drivers that could lead countries towards higher or lower levels of peace and prosperity. The model, which is anchored on the COMESA Peace and Prosperity Index has the overall goal of supporting member states to remain peaceful.

Speaking at the opening of the training, the NCIC Chairman Rev Dr. Samuel Kobia, said violence has become a common means of expressing opposition and dissent on most issues especially in African where there are young democracies.

Use our robust ICT infrastructure to grow business, CS tells private sector

BY MONICA OMORO - PCO

The ICT, Innovations & Youth Affairs CS, Joe Mucheru has called on both public and private sector players to take advantage of the vibrant ICT infrastructure the government has put in place to grow their business enterprises.

As a ministry, our goal remains to facilitate universal access to reliable and affordable ICT infrastructure all over the country as an enabler of socio-economic growth, CS Mucheru said.

"As Kenya aims to become a knowledge-based economy as envisioned in the Vision 2030 Agenda, adoption of technology in all these sectors is paramount", the CS said when he gave a keynote address at the 14th International Multi-Disciplinary Virtual Conference organized by Masinde Muliro University of Science and Technology (MMUST).

On the attainment of Universal Health Coverage pillar by the Government, the CS said that his Ministry was already playing a key role, saying to date, connectivity to 18 Level 4-5 Hospi-

itals under Universal Health Coverage countrywide has been done with deployment of IP Telephony targeted for Phase II.

This connectivity, he noted, is facilitating on-line and real-time data management in these hospitals for ease of service delivery.

"The Ministry of Health intends to roll out Universal Health Coverage thus necessitating automation of most of its business processes and my Ministry is working tirelessly to ensure that all national hospitals are provided with connectivity to facilitate on-line and real-time data management", the CS said.

Mr Mucheru disclosed that in Mombasa County, the National Optic Fibre Backbone Infrastructure (NOFBI) is now connected to the County Headquarters and all sub-county offices.

CS Mucheru said that Konza Technopolis Horizontal infrastructure is now 45% complete, adding that this project is expected to be a Model Smart City and an innovation Hub for Kenya and the region upon its completion.



OFFICE OF THE CONTROLLER OF BUDGET



PUBLIC PARTICIPATION AND REQUEST FOR COMMENTS ON THE DRAFT CONTROLLER OF BUDGET REGULATIONS, 2021

Pursuant to the provisions of section 25 of the Controller of Budget Act 2016, the Controller of Budget in consultation with the Kenya Law Reform Commission and the Office of the Attorney General has developed the Draft Controller of Budget Regulations, 2021 (hereinafter referred to as 'Draft Regulations').

The object of the Draft Regulations is to set out the procedure for authorization of withdrawal of funds; enforcement of budgetary ceilings; monitoring, evaluating, reporting and making recommendations to the national and county governments on measures to improve budget implementation; preparation and submission of quarterly reports and special reports; conduct of investigations and conciliation, mediation and negotiation. Further, the Draft Regulations also provides for documentation to be provided to the Controller of Budget in the exercise of his or her powers and functions as well as the format for requisition and approval of withdrawal of funds.

In line with the requirement for public participation and stakeholder engagement as prescribed under Article 10 of the Constitution and section 5 of the Statutory Instruments Act, 2013, the Controller of Budget hereby invites members of the public and all stakeholders to submit their comments on the Draft Regulations.

The Draft Regulations are available on the Office of the Controller of Budget website; www.cob.go.ke.

Comments should be forwarded by close of business on **Wednesday, 9th June 2021** to regulations@cob.go.ke:

or

The Controller of Budget
 Office of the Controller of Budget
 Bima House, 12th Floor-Harambee Avenue
 P.O. Box 35616-00100,
 NAIROBI.



MINISTRY OF PUBLIC SERVICE AND GENDER

STATE DEPARTMENT FOR PUBLIC SERVICE

TENDER NOTICE

The Ministry Of Public Service and Gender, invites sealed bids from eligible candidates for the following tenders:

| No. | Tender No. | Item Description | Category |
|-----|------------------------|--|----------|
| 1. | MPSG/HKS/T10/2020-2021 | Provision of Sanitary Bins Services for the Huduma Centres Countrywide | Open |

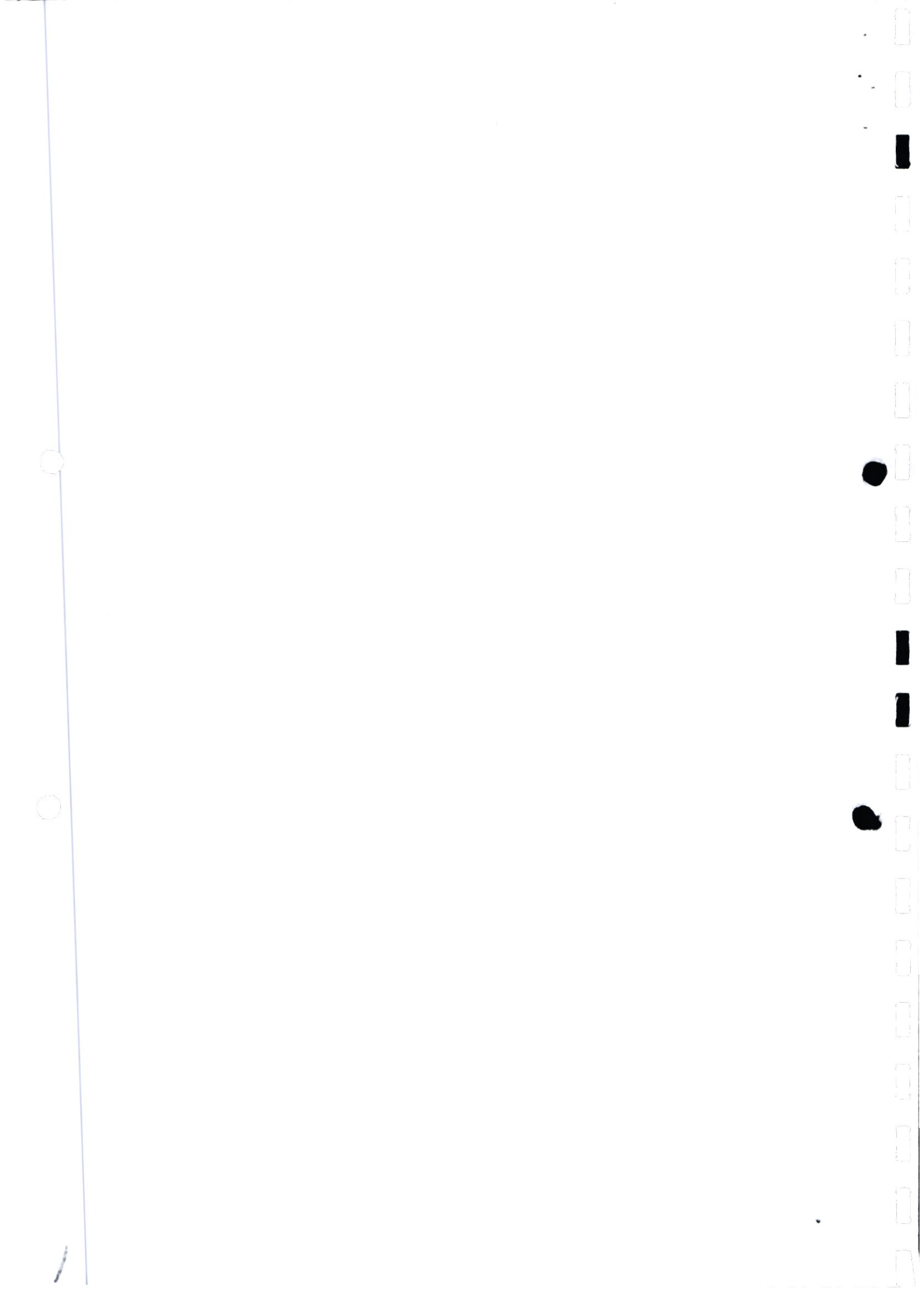
The complete Tender Documents may be downloaded from the Huduma Kenya Website www.hudumakenya.go.ke for free. Completed tenders documents in plain sealed envelopes marked Tender Number and Tender Description shall be addressed to:

The Secretary/CEO
 Huduma Kenya Secretariat
 P.O Box 47716-00100
 Nairobi.

And be deposited in the tender box provided at **15th Floor, Lonrho House** to be received on or before **Tuesday, 8th June 2021** at **11.00am**. Tenders will be opened immediately thereafter in the presence of the tenderers or their appointed representatives who choose to attend.

Late submission of tender documents will not be accepted.

PRINCIPAL SECRETARY



OFFICE OF THE CONTROLLER OF BUDGET



Tel: 020 2211068, 0738466721, 0709910000
Email: cob@cob.go.ke/info@cob.go.ke
Website: www.cob.go.ke



Bima House, 12th Floor
Harambee Avenue
P.O. Box 35616-00100
Nairobi Kenya

Ref: COB/LA/REGS/VOL.11(29)

May 24, 2021

Mr. Julius Mutua
Programme Co-ordinator
Public Finance Management Reforms
NAIROBI

Dear *Mr. Mutua,*

RE: INVITATION TO ATTEND A PUBLIC PARTICIPATION FORUM AND GIVE COMMENTS ON THE DRAFT CONTROLLER OF BUDGET REGULATIONS, 2021

The Office of the Controller of Budget is established under Article 228 of the Constitution to among others, oversee and report on implementation of the budgets of both the National and county governments to each House of Parliament every four months.

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In line with the requirement for public participation and stakeholder engagement prescribed under Article 10 of the Constitution and Section 5 of the Statutory

Promoting Prudent Utilization of Public Funds

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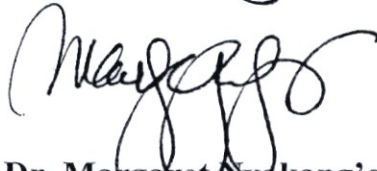
Instruments Act, 2013, the Office of the Controller of Budget will hold a public participation forum to engage with our key stakeholders and partners to interrogate the contents of the Draft Regulations. The Forum will be held on 7th to 8th June 2021 in Mombasa at a venue to be communicated later.

Being a key stakeholder, it is our distinct pleasure to invite you to attend this forum. Alternatively you may nominate an officer to represent your institution during the public participation engagement. The Draft Regulations are available on the office of the Controller Budget website www.cob.go.ke.

OCOB will pay your per diem and air ticket for the stated duration. Please confirm attendance through **Mary Owii** on 0724801014; email-owiima@cob.go.ke or **Faith Kimani** on 0720971823; email-kimanifw@cob.go.ke by 31st May, 2021.

Thank you and looking forward to your participation.

Yours *Sincerely*



Dr. Margaret Nyakang'o
CONTROLLER OF BUDGET

OFFICE OF THE CONTROLLER OF BUDGET



Tel: 020 221 1068, 0738466721, 0709910000
Email: cob@cob.go.ke/Info@cob.go.ke
Website: www.cob.go.ke



Bima House, 12th Floor
Harambee Avenue
P.O Box 35616-00100
Nairobi Kenya

Ref: COB/LA/REGS/VOL.11(28)

May 24, 2021

Judy Oduma Wangalwa
Chief Executive Officer
County Assemblies Forum
P.O Box 73552-00200
NAIROBI

Dear *Judy*,

**RE: INVITATION TO ATTEND A PUBLIC PARTICIPATION FORUM AND
GIVE COMMENTS ON THE DRAFT CONTROLLER OF BUDGET
REGULATIONS, 2021**

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Promoting Prudent Utilization of Public Funds

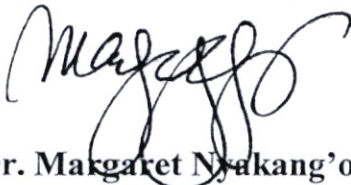
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Thank you and looking forward to your participation.

Yours *Sincerely,*



Dr. Margaret Nyakang'o
CONTROLLER OF BUDGET

OFFICE OF THE CONTROLLER OF BUDGET



Tel: 020 2211068, 0738466721, 0709910000
Email: cob@cob.go.ke/info@cob.go.ke
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Bima House, 12th Floor
Harambee Avenue
P.O. Box 35616-00100
Nairobi Kenya

Ref: COB/LA/REGS/VOL.11(27)

May 24, 2021

Mrs. Phylis Makau

Director
Parliamentary Budget Office
Protection House
NAIROBI

Dear *Mrs Makau,*

**RE: INVITATION TO ATTEND A PUBLIC PARTICIPATION FORUM AND
GIVE COMMENTS ON THE DRAFT CONTROLLER OF BUDGET
REGULATIONS, 2021**

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Promoting Prudent Utilization of Public Funds

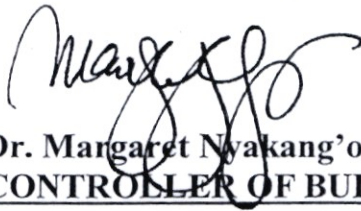
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Yours *Sincerely,*



Dr. Margaret Nyakang'o
CONTROLLER OF BUDGET

OFFICE OF THE CONTROLLER OF BUDGET



Tel: 020 2211068, 0738466721, 0709910000
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Website: www.cob.go.ke

Ref: COB/LA/REGS/VOL.11(26)



Bima House, 12th Floor
Harambee Avenue
P.O. Box 35616-00100
Nairobi Kenya

May 24, 2021

Mr. John Burugu

Chairman

Intergovernmental Relations Technical Committee

Parklands Plaza, 3rd Floor

Chiromo Lane / Muthithi Road Junction, Westlands

NAIROBI

Dear *Mr. Burugu,*

**RE: INVITATION TO ATTEND A PUBLIC PARTICIPATION FORUM AND
GIVE COMMENTS ON THE DRAFT CONTROLLER OF BUDGET
REGULATIONS, 2021**

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Promoting Prudent Utilization of Public Funds

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Yours *Sincerely*



Dr. Margaret Nyakang'o
CONTROLLER OF BUDGET

OFFICE OF THE CONTROLLER OF BUDGET



Tel: 020 2211068, 0738466721, 0709910000
Email: cob@cob.go.ke/Info@cob.go.ke
Website: www.cob.go.ke



Bima House, 12th Floor
Harambee Avenue
P.o Box 35616-00100
Nairobi Kenya

Ref: COB/LA/REGS/VOL.11(25)

May 24, 2021

Ms. Jacqueline Mogeni, MBS
Chief Executive Officer
Council of Governors
Delta Corner
NAIROBI.

Dear *Jacqueline,*

**RE: INVITATION TO ATTEND A PUBLIC PARTICIPATION FORUM AND
GIVE COMMENTS ON THE DRAFT CONTROLLER OF BUDGET
REGULATIONS, 2021**

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Promoting Prudent Utilization of Public Funds

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Thank you and looking forward to your participation.

Yours *Sincerely,*



Dr. Margaret Nyakang'o
CONTROLLER OF BUDGET

OFFICE OF THE CONTROLLER OF BUDGET



Tel: 020 2211068, 0738466721, 0709910000
Email: cob@cob.go.ke/Info@cob.go.ke
Website: www.cob.go.ke



Bima House, 12th Floor
Harambee Avenue
P.o Box 35616-00100
Nairobi Kenya

Ref: COB/LA/REGS/VOL.11(24)

May 24, 2021

Dr. Jane Kiringai

Chairperson

Commission on Revenue Allocation

14 Riverside Drive, Grosvenor Block, 2nd & 3rd Floor

NAIROBI

Dear *Dr. Kiringai,*

**RE: INVITATION TO ATTEND A PUBLIC PARTICIPATION FORUM AND
GIVE COMMENTS ON THE DRAFT CONTROLLER OF BUDGET
REGULATIONS, 2021**

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Promoting Prudent Utilization of Public Funds

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Yours *Sincerely,*



Dr. Margaret Nyakang'o
CONTROLLER OF BUDGET

OFFICE OF THE CONTROLLER OF BUDGET



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Bima House, 12th Floor
Harambee Avenue
P.o Box 35616-00100
Nairobi Kenya

Ref: COB/LA/REGS/VOL.11(23)

May 24, 2021

Ms. Nancy Gathungu

Auditor General

Office of the Auditor General

Anniversary Towers, 12th Floor, University Way

NAIROBI

Dear

Nancy,

**RE: INVITATION TO ATTEND A PUBLIC PARTICIPATION FORUM AND
GIVE COMMENTS ON THE DRAFT CONTROLLER OF BUDGET
REGULATIONS, 2021**

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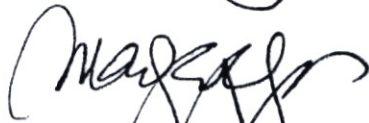
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Yours Sincerely,



Dr. Margaret Nyakang'o
CONTROLLER OF BUDGET

OFFICE OF THE CONTROLLER OF BUDGET



Tel: 020 2211068, 0738466721, 0709910000
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Bima House, 12th Floor
Harambee Avenue
P.O. Box 35616-00100
Nairobi Kenya

Ref: COB/LA/REGS/VOL.11(22)

May 24, 2021

Dr. Patrick Njoroge
Governor
Central Bank of Kenya
NAIROBI

Dear *Dr. Njoroge*

**RE: INVITATION TO ATTEND A PUBLIC PARTICIPATION FORUM AND
GIVE COMMENTS ON THE DRAFT CONTROLLER OF BUDGET
REGULATIONS, 2021**

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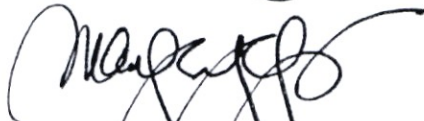
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Bina House, 12th Floor
Harambee Avenue
P.O Box 35616-00100
Nairobi Kenya

Ref: COB/LA/REGS/VOL.11(21)

May 24, 2021

Dr. Julius Muia, Phd, CBS
Principal Secretary
National Treasury & Planning
P.O BOX 30007-00100
NAIROBI

Dear *Dr. Muia,*

**RE: INVITATION TO ATTEND A PUBLIC PARTICIPATION FORUM AND
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Promoting Prudent Utilization of Public Funds

In line with the requirement for public participation and stakeholder engagement prescribed under Article 10 of the Constitution and Section 5 of the Statutory Instruments Act, 2013, the Office of the Controller of Budget will hold a public participation forum to engage with our key stakeholders and partners to interrogate the contents of the Draft Regulations. The Forum will be held on 7th to 8th June 2021 in Mombasa at a venue to be communicated later.

Being a key stakeholder, it is our distinct pleasure to invite you to attend this forum. Alternatively you may nominate two officers to represent your institution during the public participation engagement. The Draft Regulations are available on the office of the Controller Budget website www.cob.go.ke.

OCOB will pay your per diem and air ticket for the stated duration. Please confirm attendance through **Mary Owii** on 0724801014; [email-owiiima@cob.go.ke](mailto:owiiima@cob.go.ke) or **Faith Kimani** on 0720971823; [email-kimanifw@cob.go.ke](mailto:kimanifw@cob.go.ke) by 31st May, 2021.

Thank you and looking forward to your participation.

Yours *Sincerely,*



Dr. Margaret Nyakang'o
CONTROLLER OF BUDGET

OFFICE OF THE CONTROLLER OF BUDGET



Tel: 020 2211068, 0738466721, 0709910000
Email: cob@cob.go.ke/Info@cob.go.ke
Website: www.cob.go.ke



Bima House, 12th Floor
Harambee Avenue
P.O. Box 35616-00100
Nairobi Kenya

Ref: COB/LA/REGS/VOL.11 (31)

May 24, 2021

TO ALL COUNTY EXECUTIVE COMMITTEE MEMBERS -FINANCE

**RE: INVITATION TO ATTEND A PUBLIC PARTICIPATION FORUM AND
GIVE COMMENTS ON THE DRAFT CONTROLLER OF BUDGET
REGULATIONS, 2021**

The Office of the Controller of Budget is established under Article 228 of the Constitution to among others, oversee and report on implementation of the budgets of both the National and county governments to each House of Parliament every four months.

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The object of the Draft Regulations is to set out the procedure for authorization of withdrawal of funds; enforcement of budgetary ceilings; monitoring, evaluating, reporting and making recommendations to the national and county governments on measures to improve budget implementation; preparation and submission of quarterly reports and special reports; conduct of investigations and conciliation, mediation and negotiation. Further, the Draft Regulations provide for documentation to be provided to the Controller of Budget in the exercise of his or her powers and functions as well as format for requisition and approval of withdrawal of funds.

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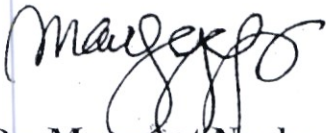
Promoting Prudent Utilization of Public Funds

engage with our key stakeholders and partners to interrogate the contents of the Draft Regulations. The Forum will be held on 9th to 10th June 2021 in Mombasa at a venue to be communicated later.

Being a key stakeholder, it is our distinct pleasure to invite you to attend this forum. Alternatively, you may nominate an officer to represent your institution. The conference costs will be catered for by the office. Kindly make arrangements for your daily subsistence allowance and transport cost to and from the venue as this will not be covered. The Draft Regulations are available on the office of the Controller of Budget website www.cob.go.ke.

Kindly confirm attendance through **Mary Owii** on 0724801014; [email-owiima@cob.go.ke](mailto:owiima@cob.go.ke) or **Faith Kimani** on 0720971823; [email-kimanifw@cob.go.ke](mailto:kimanifw@cob.go.ke) by 31st May, 2021.

Thank you and looking forward to your participation.



Dr. Margaret Nyakang'o
CONTROLLER OF BUDGET

OFFICE OF THE CONTROLLER OF BUDGET



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Harambee Avenue
P.O. Box 35616-00100
Nairobi Kenya

Ref: COB/LA/REGS/VOL11(30)

May 24, 2021

TO ALL CLERKS OF COUNTY ASSEMBLIES

**RE: INVITATION TO ATTEND A PUBLIC PARTICIPATION FORUM AND
GIVE COMMENTS ON THE DRAFT CONTROLLER OF BUDGET
REGULATIONS, 2021**

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Promoting Prudent Utilization of Public Funds



Being a key stakeholder, it is our distinct pleasure to invite you to attend this forum. Alternatively, you may nominate Chair of the Budget Committee to represent your institution. The conference costs will be catered for by the office. Kindly make arrangements for your daily subsistence allowance and transport cost to and from the venue as this will not be covered. The Draft Regulations are available on the office of the Controller of Budget website www.cob.go.ke.

Kindly confirm attendance through **Mary Owii** on 0724801014; [email-owiima@cob.go.ke](mailto:owiima@cob.go.ke) or **Faith Kimani** on 0720971823; [email-kimanifw@cob.go.ke](mailto:kimanifw@cob.go.ke) by 31st May, 2021.

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Dr. Margaret Nyakang'o
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OFFICE OF THE CONTROLLER OF BUDGET



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Nairobi Kenya

Ref: COB/LA/REGS/VOL.11 (36)

May 27, 2021

The Institute for Social Accountability (TISA)
Westlands Avenue, Wendy Court, Hse no. 1
David Osieli Rd, Westlands
P.O. Box 48353, 00100
NAIROBI

**RE: INVITATION TO ATTEND A PUBLIC PARTICIPATION
FORUM AND GIVE COMMENTS ON THE DRAFT
CONTROLLER OF BUDGET REGULATIONS, 2021**

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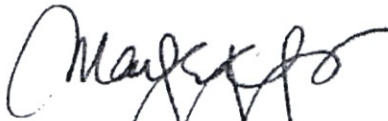
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Yours *Sincerely,*



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OFFICE OF THE CONTROLLER OF BUDGET



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P.O. Box 35616-00100
Nairobi Kenya

Ref: COB/LA/REGS/VOL.11 (34)

May 27, 2021

FCPA Rose Mwaura, MBS

Chairperson

Institute of certified Public Accountants of Kenya

CPA Centre, Thika Road, Ruaraka

NAIROBI

Dear *FCPA Rose,*

RE: INVITATION TO ATTEND A PUBLIC PARTICIPATION FORUM AND GIVE COMMENTS ON THE DRAFT CONTROLLER OF BUDGET REGULATIONS, 2021

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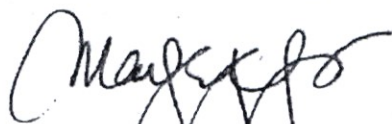
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Yours *Sincerely,*



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CONTROLLER OF BUDGET

OFFICE OF THE CONTROLLER OF BUDGET



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Bima House, 12th Floor
Harambee Avenue
P.O. Box 35616-00100
Nairobi Kenya

Ref: COB/LA/REGS/VOL.11 (33)

May 27, 2021

Mr. Kamau Aidi
Chairperson
Society of Clerks At the Table (SOCAT (K))
Transnational Plaza, Mama Ngina Str.
1st Floor, Room 104
NAIROBI

Dear *Mr. Aidi,*

RE: INVITATION TO ATTEND A PUBLIC PARTICIPATION FORUM AND GIVE COMMENTS ON THE DRAFT CONTROLLER OF BUDGET REGULATIONS, 2021

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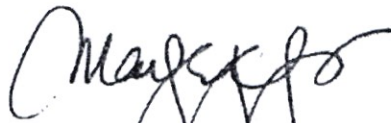
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Bima House, 12th Floor
Harambee Avenue
P.O. Box 35616-00100
Nairobi Kenya

Ref: COB/LA/REGS/VOL.11 (32)

May 27, 2021

Mr. McDonald George Obudho, MBS
Director General
Kenya National Bureau of Statistics
Real Towers, Hospital Road, Upper Hill
NAIROBI

Dear *Mr. Obudho,*

**RE: INVITATION TO ATTEND A PUBLIC PARTICIPATION
FORUM AND GIVE COMMENTS ON THE DRAFT
CONTROLLER OF BUDGET REGULATIONS, 2021**

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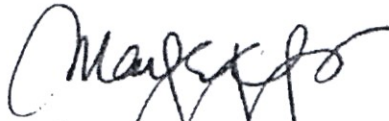
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Dr. Margaret Nyakang'o
CONTROLLER OF BUDGET

OFFICE OF THE CONTROLLER OF BUDGET



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Bima House, 12th Floor
Harambee Avenue
P.O. Box 35616-00100
Nairobi Kenya

Ref: COB/LA/REGS/VOL.11 (49)

May 27, 2021

Mr. Stephen Ng'ang'a
The Registrar - Academics
Strathmore University
Ole Sangale Road, off Langata Road, in Madaraka Estate
NAIROBI

Dear

Mr. Ng'ang'a,

**RE: INVITATION TO ATTEND A PUBLIC PARTICIPATION
FORUM AND GIVE COMMENTS ON THE DRAFT
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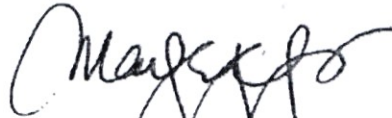
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Bima House, 12th Floor
Harambee Avenue
P.O. Box 35616-00100
Nairobi Kenya

Ref: COB/LA/REGS/VOL.11 (48)

May 27, 2021

Ms. Teresa Mugudza
Country Director
International Development Law Organization
3rd Floor, Senteu Plaza
Lenana Road, Off Galana Road
Kilimani
NAIROBI

Dear

Teresa,

RE: INVITATION TO ATTEND A PUBLIC PARTICIPATION FORUM AND GIVE COMMENTS ON THE DRAFT CONTROLLER OF BUDGET REGULATIONS, 2021

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Promoting Prudent utilization of public funds

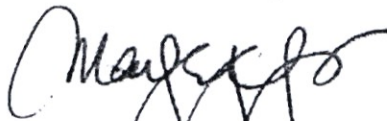
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Dr. Margaret Nyakang'o
CONTROLLER OF BUDGET

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Bima House, 12th Floor
Harambee Avenue
P.O. Box 35616-00100
Nairobi Kenya

Ref: COB/LA/REGS/VOL.11 (47)

May 27, 2021

Maniza Zaman
Country Representative
UNICEF Kenya
United Nations Avenue
NAIROBI

Dear *Maniza,*

**RE: INVITATION TO ATTEND A PUBLIC PARTICIPATION
FORUM AND GIVE COMMENTS ON THE DRAFT
CONTROLLER OF BUDGET REGULATIONS, 2021**

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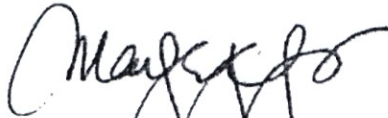
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Bima House, 12th Floor
Harambee Avenue
P.O Box 35616-00100
Nairobi Kenya

Ref: COB/LA/REGS/VOL.11 (46)

May 27, 2021

Mr. Kwame Owino
Institute of Economic Affairs
1st Ngong Avenue
ACK Garden House
5th Floor
NAIROBI

Dear

Mr. Owino,

RE: INVITATION TO ATTEND A PUBLIC PARTICIPATION FORUM AND GIVE COMMENTS ON THE DRAFT CONTROLLER OF BUDGET REGULATIONS, 2021

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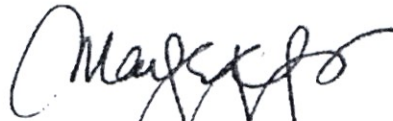
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P.o Box 35616-00100
Nairobi Kenya

Ref: COB/LA/REGS/VOL.11 (45)

May 27, 2021

Christine Nkonge
Executive Director
Katiba Institute
House No. 5, the Crescent, Off Parklands Road
P.o Box 26586 – 00100
NAIROBI

Dear *Christine,*

RE: INVITATION TO ATTEND A PUBLIC PARTICIPATION FORUM AND GIVE COMMENTS ON THE DRAFT CONTROLLER OF BUDGET REGULATIONS, 2021

The Office of the Controller of Budget is established under Article 228 of the Constitution to among others, oversee and report on implementation of the budgets of both the National and county governments to each House of Parliament every four months.

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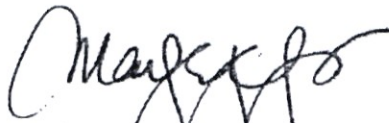
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Being a key stakeholder, it is our distinct pleasure to invite you to attend this virtual meeting. The virtual meeting will be held via zoom. Please provide your email address through **Mary Owii** on 0724801014; email-owiima@cob.go.ke or **Faith Kimani** on 0720971823; email-kimanifw@cob.go.ke by 7th June, 2021 to enable us share the webinar details.

Thank you and looking forward to your participation.

Yours *Sincerely,*



Dr. Margaret Nyakang'o
CONTROLLER OF BUDGET

OFFICE OF THE CONTROLLER OF BUDGET



Tel: 020 2211068, 0738466721, 0709910000
Email: cob@cob.go.ke/info@cob.go.ke
Website: www.cob.go.ke



Bina House, 12th Floor
Harambee Avenue
P.o Box 35616-00100
Nairobi Kenya

Ref: COB/LA/REGS/VOL.11 (44)

May 27, 2021

Lawyers Hub
ACK Garden House, Block D, 6th Floor
First Ngong Avenue
NAIROBI

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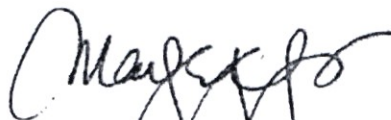
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Bima House, 12th Floor
Harambee Avenue
P.O Box 35616-00100
Nairobi Kenya

Ref: COB/LA/REGS/VOL.11 (43)

May 27, 2021

Mr. Nelson Havi
President
Law Society of Kenya
Lavington, Opposite Valley Arcade,
Gitanga Road
P.O Box 72219-00200
NAIROBI

Dear *Mr. Havi,*

**RE: INVITATION TO ATTEND A PUBLIC PARTICIPATION
FORUM AND GIVE COMMENTS ON THE DRAFT
CONTROLLER OF BUDGET REGULATIONS, 2021**

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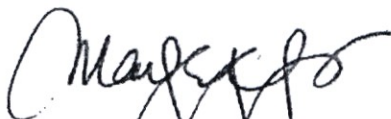
Promoting Prudent utilization of public funds

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Ref: COB/LA/REGS/VOL.11 (41)

May 27, 2021

Ms. Anne Mutavati

Country Director

UN Women, UN Complex

Gigiri Block M, Ground Floor, UN Avenue

NAIROBI

Dear

Anne,

**RE: INVITATION TO ATTEND A PUBLIC PARTICIPATION
FORUM AND GIVE COMMENTS ON THE DRAFT
CONTROLLER OF BUDGET REGULATIONS, 2021**

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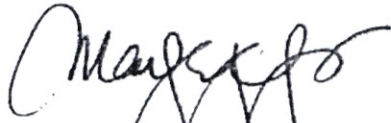
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Bima House, 12th Floor
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P.O. Box 35616-00100
Nairobi Kenya

Ref: COB/LA/REGS/VOL.11 (40)

May 27, 2021

Grace Maingi

Executive Director

Uraia Trust

Email gmaingi@uraia.or.ke

info@uraia.or.ke

Dear *Grace,*

RE: INVITATION TO ATTEND A PUBLIC PARTICIPATION FORUM AND GIVE COMMENTS ON THE DRAFT CONTROLLER OF BUDGET REGULATIONS, 2021

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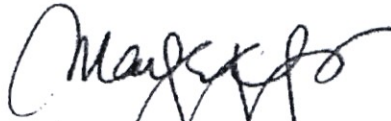
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Bima House, 12th Floor
Harambee Avenue
P.O Box 35616-00100
Nairobi Kenya

Ref: COB/LA/REGS/VOL.11 (39)

May 27, 2021

Mr. Khelef Khalifa

Muslims for Human Rights - MUHURI
1st Floor, Shree Links Building,
Next to Links Plaza, Links Road, Nyali
P. O. Box 42261 - 80100,
MOMBASA KENYA

Dear *Mr. Khalifa,*

**RE: INVITATION TO ATTEND A PUBLIC PARTICIPATION
FORUM AND GIVE COMMENTS ON THE DRAFT
CONTROLLER OF BUDGET REGULATIONS, 2021**

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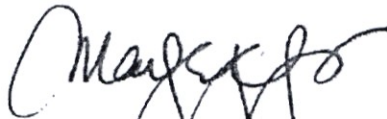
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