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

COMMITTEE ON DELEGATED LEGISLATION

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

MARCH, 2026

THE NATIONAL ASSEMBLY PAPERS LAID	
DATE: 12 MAR 2026	DAY: THUR
TABLED BY:	HON SAMUEL OCHOKONGA MP CHAIRPERSON, COMMITTEE ON DELEGATED LEGISLATION
CLERK-AT THE TABLE:	MERICI CHUMO



The Directorate of Audit, Appropriations & other Select Committees

The National Assembly

Parliament Buildings

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ACRONYMS/ABBREVIATIONS

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

CHAIRPERSON'S FOREWORD

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

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

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

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

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

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

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

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

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



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

1.0 PREFACE

1.1 Establishment and Mandate of the Committee

1. The Select Committee on Delegated Legislation is established pursuant to **Standing Order No. 210** of the National Assembly Standing Orders and is mandated to consider statutory instruments submitted to Parliament for consideration. The Committee is expected to consider in respect of any statutory instrument, whether it is in accord with the provisions of the Constitution, the Act pursuant to which it is made or other relevant written laws.
2. The Committee is mandated to consider in respect of any statutory instrument, whether it –
 - (a) is in accordance with the provisions of the Constitution, the Act pursuant to which it is made or other relevant written laws;
 - (b) infringes on fundamental rights and freedoms of the public;
 - (c) contains a matter which in the opinion of the Committee should more properly be dealt with in an Act of Parliament;
 - (d) contains imposition of taxation;
 - (e) directly or indirectly bars the jurisdiction of the Courts;
 - (f) gives retrospective effect to any of the provisions in respect to which the Constitution or the Act does not expressly give any such power;
 - (g) involves expenditure from the Consolidated Fund or other public revenues;
 - (h) is defective in its drafting or for any reason the form or purport of the statutory instrument calls for any elucidation;
 - (i) appears to make some unusual or unexpected use of the powers conferred by the Constitution or the Act pursuant to which it is made;
 - (j) appears to have had unjustifiable delay in its publication or laying before Parliament;
 - (k) makes rights, liberties or obligations unduly dependent upon non-reviewable decisions;
 - (l) makes rights, liberties or obligations unduly dependent insufficiently defined administrative powers;
 - (m) inappropriately delegates legislative powers;
 - (n) imposes a fine, imprisonment or other penalty without express authority having been provided for in the enabling legislation;
 - (o) appears for any reason to infringe on the rule of law;
 - (p) inadequately subjects the exercise of legislative power to Parliamentary scrutiny; and

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

1.2 Committee Membership

3. The Committee membership comprises:

Chairperson

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

Ainabkoi Constituency

UDA

Vice-Chairperson

Hon. Githinji Robert Gichimu, M.P

Gichugu Constituency

UDA

Committee Members

Hon. Mbui Robert, CBS, M.P

Kathiani Constituency

WDM-Kenya

Hon. (Maj) (Rtd) Dekow Barrow

Mohamed, M.P

Garrisa Township Constituency

UDA

Hon. Julius Lekakeny Ole Sunkuli, EGH,

EBS, M.P

Kilgoris Constituency

KANU

Hon. Kamene Joyce, M.P

Machakos County

WDM-Kenya

Hon. Dr. Onchoke, Mamwacha

Charles, M.P

Bonchari Constituency

UPA

Hon Dr. Kimaiyo, Gideon Kipkoech,

M.P

Keiyo South Constituency

UDA

Hon. Waithaka, John Machua, M.P

Kiambu Constituency

UDA

Hon. Chebor, Paul Kibet, M.P

Rongai Constituency

UDA

Hon. Yakub Adow Kuno, M.P

Bura Constituency

UPIA

Hon. (Maj) (Rtd) Abdullahi, Bashir

Sheikh, M.P.

Mandera North Constituency

UDM

Hon. Mwirigi John Paul, M.P

Igembe South Constituency

UDA

Hon. Odoyo, Jared Okello, M.P

Nyando Constituency

ODM

Hon. Chepkorir Linet, M.P.

Bomet County

UDA

Hon. Munyoro Joseph Kamau, M.P

Kigumo Constituency

UDA

Hon. Oluoch, Anthony Tom, M.P

Hon. Lenguris Pauline, M.P

Mathare Constituency

ODM

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

Ugunja Constituency

ODM

Hon. Mugabe Innocent Maino, M.P

Lukuyani Constituency

ODM

Samburu County

UDA

Hon Mnyazi Amina Laura, MP

Malindi Constituency

ODM

1.3 Committee Secretariat

4. The secretariat facilitating the Committee comprises:

Ms. Wanjiru Mwaura

Principal Clerk Assistant (Team Leader)

Mr. Dima Dima Wilson

Deputy Director-DLS

Mr. Brian Langwech

Clerk Assistant III

Ms. Grace Odedere

Clerk Assistant III

Ms. Elsy Jerop

Legal Counsel II

Ms. Angela Musau

Legal Counsel II

Mr. Peter Barasa

Legal Counsel II

Mr. Daniel Psirmoi

Media Relations Officer

Mr. Noah Chemweno

Serjeant at Arms

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

2.1 Background

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

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

2.2 Objects and Purpose of the Regulations

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

2.3 Legislative Context and Policy Background

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

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

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

2.4 Overview of the Regulations

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

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

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

2.5 Scrutiny of the Instrument

19. Pursuant to section 16 of the Statutory Instruments Act, Cap 2A, the Committee invited the SRC to a pre-publication scrutiny meeting on Friday, 11th April, 2025, to consider the ***Draft Salaries and Remuneration Commission (Remuneration and Benefits of State and Other Public Officers) Regulations, 2025***.
20. Following the deliberations, the Committee made the following recommendations for amendment, clarification, and improvement of the Draft Regulations:
- (a) **the terms “remuneration”, “benefits”, “public body”, and “cost of living” be defined within the Regulations.**
 - (b) **The term “advice”, as used in clause 3, should be aligned with the judicial interpretation to eliminate ambiguity. Clause 3 should be reviewed to ensure it reflects the functions of the Commission and consistency with Article 230 of the Constitution.**
 - (c) **Clause 4(3) and 4(5) incorrectly refer to a paragraph instead of a sub-clause or sub-regulation. Clause 4(2) requires redrafting to separate and clarify the elements of review and advice.**
 - (d) **Clauses 5(2)(b), 12(2)(f), 13(h), and 24(2)(e) inappropriately delegates legislative powers in contravention of section 13(m) of the Statutory Instruments Act.**
 - (e) **Clauses 13(1) and 13(2)(b) are repetitive and should be harmonized for clarity and coherence.**
 - (f) **Clause 6(2), which refers to relevant stakeholders, should specify the categories or identity of these stakeholders to guide meaningful consultation. Clause 6 addresses pensions but does not set out the methodology for determining such benefits, a gap that should be addressed with clear guidance.**
 - (g) **Clause 12(2)(g)) relating to job evaluation requires clarification on the form and framework in which evaluations are to be conducted.**
 - (h) **Clauses 15 and 25 relate to the process for requests to the Commission. The forms referenced in these clauses should be annexed to the regulations for ease of application and uniform procedure. Further,**

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

- (i) Clause 25 should be redrafted to read "The Commission shall, at any time, upon request of a public body, in writing" to convey mandatory compliance. Clause 26(3) should be revised to state that the Commission may review its advice based on clearly outlined factors.
 - (j) Clause 27 should be redrafted to specify what constitutes relevant information when rendering determinations.
 - (k) The structure of clause 28 should be reorganized for logical sequencing, beginning with clause 28(2), followed by clause 28(1), and the overall sequencing of clause 28 should be harmonized. Clause 28(3), as currently drafted, is unclear and lacks relevance, and should either be deleted or redrafted to specify its intended objective. Timelines for filing and resolving reviews should be reconsidered for practicality, and a provision should be included to clarify the process in the event of missed deadlines, which the current draft fails to address.
 - (l) The Draft Regulations lack enforcement mechanisms and specific provisions should be included detailing offences and penalties for non-compliance or breach of the regulations.
 - (m) Clause 30 lacks a clear objective and should be redrafted to specify its purpose.
21. SRC further resubmitted the Draft Salaries and Remuneration Commission (Remuneration and Benefits of State and Other Public Officers) Regulation, 2025 on 14th July, 2025 to the Clerk of the National Assembly and were subsequently tabled in the House on 16th July, 2025 and referred to the Committee for consideration. During its sitting held on Tuesday, 5th August, 2025, the Committee considered the Draft Regulations and satisfied itself that the SRC had incorporated its recommendations as proposed during an earlier meeting held on 11th April, 2025.
22. The Committee at its sitting on 12th March 2026 resolved to recommend to the house to approve the draft regulations in accordance with section 26 of the Salaries and Remuneration Act with the proposals to amend the regulations by;---
- (a) deleting regulation 3(1)(iii) which seeks to accord the Salaries and Remuneration Commission the mandate of keeping under review all matters relating to salaries and remuneration of other public officers. This is ultra vires to the Act in as far as the functions of the commissions provides.
 - (b) amending regulation 10(1)(a) which seeks to mandate the commission to undertake job evaluation where jobs in public

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

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

3.0 COMMITTEE OBSERVATIONS

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

3.1 Statutory Timelines

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

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

3.2 Consultations/Public Participation

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

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

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

28. As to whether TSC), Parliamentary Service Commission, PSC, and JSC were not adequately engaged as indicated in the Committee's **Report on the Consideration of the Draft Salaries and Remuneration Commission (Remuneration and Benefits of State and Other Public Officers) Regulations, 2022**, – SRC submitted information to affirm that the said institutions were indeed consulted., particularly that –

(a) TSC submitted its memorandum through a forwarding letter **Ref. No. CS/TSC/46/VOL.VII** dated 16th March, 2022;

(b) the Parliamentary Service Commission provided its input via correspondence **Ref. DLC/ADM/1/19(63)** dated 9th March, 2022, titled Request for Written Submissions on the Draft Salaries and Remuneration Commission (Remuneration and Benefits of State and Other Public Officers) Regulations 2022.

(c) PSC submitted its memorandum as forwarded by letter **Ref. PSC/LEG/019/14/185 IV (16)** dated 1st March, 2022.

29. Based on the foregoing, the Committee observed that SRC made appropriate consultations with persons who are likely to be affected by the Draft Regulations before making the Draft Regulations in line with Article 10 of the Constitution and section 5 of the Statutory Instruments Act (Cap. 2A).

3.3 Regulatory Impact Statement

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

4.0 COMMITTEE RECOMMENDATION

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

SIGNED:



HON. CHEPKONGA KIPRONO SAMUEL CBS, M.P.
CHAIRPERSON

DATE:

10/03/2026

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

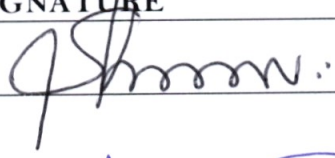
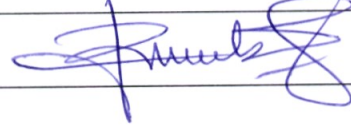
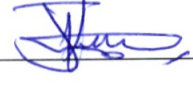
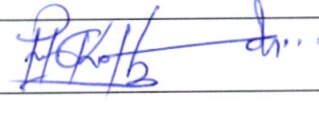
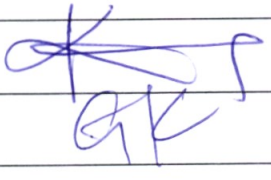
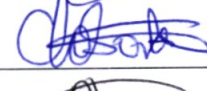
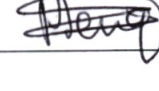
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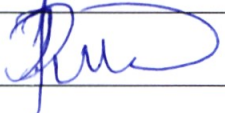
1. Minutes
2. Draft Regulations
3. Correspondences
4. Memoranda on the Draft Regulations (volume II)

COMMITTEE ON DELEGATED LEGISLATION ADOPTION LIST

DATE: 5/3/2023 VENUE: Committee Room 21
5th Floor
Bunge Tower STARTING TIME: 10:00 AM
ENDING TIME:

AGENDA: Consideration of the Draft Salaries and remuneration Commission
(Remuneration and benefits of State and other public Officers) Regulations 2023

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

21.	The Hon. Mugabe, Innocent Maino, M.P.	
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MINUTES OF THE 5TH SITTING OF THE COMMITTEE ON DELEGATED
LEGISLATION HELD ON TUESDAY 22ND NOVEMBER, 2022, HILTON GARDEN
INN, MACHAKOS COUNTY AT 8:30 AM.

PRESENT

1. The Hon Samuel Kiprono Chepkonga, CBS, M.P. Chairperson
2. The Hon. Robert Gichimu Githinji, M.P. Vice Chairperson
3. The Hon. Robert Mbui, M.P.
4. The Hon. Samuel Gonzi Rai, M.P.
5. The Hon. Sunkuli Julius Lekakeny, MP
6. The Hon. Jared Okello Odoyo M.P
7. The Hon. John Paul Mwirigi, M.P.
8. The Hon. Ruku Geoffrey Kariuki Kiringa, M.P.
9. The Hon. Gideon Kimaiyo Kipkoech, M.P.
10. The Hon. Innocent Maino Mugabe, M.P.
11. The Hon. Paul Chebor, M.P.
12. The Hon. Pauline Lenguris, M.P.
13. The Hon. Kibet Kirui Kimingoi, M.P.
14. The Hon. Adow Kuno Yakub, M.P.
15. The Hon. Joseph Kamau Munyoro, M.P.

APOLOGIES

1. The Hon. Mamwancha Onchoke Charles, M.P.
2. The Hon. Nicholas S. Tindi Mwale, M.P.
3. The Hon. Laura Amina Mnyazi, M.P.
4. The Hon. Linet Chepkorir M.P.
5. The Hon. Abdullahi Bashir Sheikh, M.P.
6. The Hon. Kamene Joyce, M.P.

IN ATTENDANCE

THE NATIONAL ASSEMBLY.

- | | | |
|---------------------------|---|-------------------------|
| 1. Ms. Esther Nginyo | - | Clerk Assistant I |
| 2. Mr. Wilson Dima Dima | - | Principal Legal Counsel |
| 3. Mr. Brian Langwech | - | Clerk Assistant III |
| 4. Ms. Winny Otieno | - | Clerk Assistant III |
| 5. Mr. Jacknorine Buleemi | - | Clerk Assistant III. |
| 6. Mr. Josephat Motonu | - | Senior Fiscal Analyst |
| 7. Mrs. Sheila Chebotibin | - | Serjeant-At-Arms. |
| 8. Charles Ayari | - | Audio Officer |

SALARIES AND REMUNERATION COMMISSION

- | | | |
|-------------------------|---|------------------------|
| 1) Mrs. Lyn Mengich | - | Commission Chairperson |
| 2) Ms. Nelly P. Ashubwe | - | Commissioner |
| 3) Mr. John Monyoncho | - | Commissioner |
| 4) Ms. Margaret Sawe | - | Commissioner |

- | | | |
|----------------------------|---|--------------------------|
| 5) Mr. Abdiwahab Abdi | - | Commissioner |
| 6) Dr. Mumbwa Munyao (PHD) | - | Commissioner |
| 7) Ms. Anne R. Gitau | - | Commission Secretary/CEO |
| 8) Mr. James Sitienei | - | Head of Legal |

AGENDA

1. Prayers;
2. Preliminaries;
3. Adoption of the Agenda;
4. Confirmation of previous minutes;
5. Matters arising;
6. **Briefing on Draft Salaries and Remuneration Commission (Remuneration and Benefits of State and Public Officers) regulations, 2022**
7. Any Other Business; and
8. Adjournment.

MIN. DAA&OSC/CDL/026/2022

PRELIMINARIES

The Chairperson called the Meeting to order at 9:10 a.m. after which prayers were said. The Chairperson then welcomed all present followed by a round of introduction.

MIN. DAA&OSC/CDL/027/2022

ADOPTION OF THE AGENDA

The Members adopted the agenda of the meeting as was proposed by Hon. Julius Sunkuli, M.P. and seconded by Hon. Kipkoech Gideon Kimaiyo, M.P.

MIN. DAA&OSC/CDL/028/2022

CONFIRMATION OF PREVIOUS MINUTES.

Confirmation of the minutes of the previous sitting was deferred to the next sitting.

MIN. DAA&OSC/CDL/029/2022

BRIEFING ON DRAFT SALARIES AND REMUNERATION COMMISSION (REMUNERATION AND BENEFITS OF STATE AND PUBLIC OFFICERS) REGULATIONS, 2022

Mr. James Sitienei, Head of Legal, Salaries and Remuneration Commission (SRC) briefed the Committee on the Draft Salaries and Remuneration Commission (Remuneration and Benefits of State Officers) Regulations, 2022 as follows, that:

1. In discharging its mandate, SRC is guided by the principles set out in Article 230(5) of the Constitution and Section 12(1) of the SRC Act, 2011. The principles are—
 - (a) the need to ensure that the total public compensation bill is fiscally sustainable;
 - (b) the need to ensure that the public services are able to attract and retain the skills required to execute their functions;
 - (c) the need to recognise productivity and performance;
 - (d) transparency and fairness; and
 - (e) equal remuneration to persons for work of equal value.

2. Members were briefed that SRC invited written submissions from stakeholders and the public, vide newspaper advertisements in the Daily Nation and Standard newspapers, which ran on 22nd February, 2022. SRC received submissions from stakeholders and the public in the form of memoranda and views which were all considered.
3. Further, SRC engaged a wide range of stakeholders through sensitisation meetings held between 28th February and 4th March, and on 10th March, 2022.
4. All the stakeholders consulted supported the draft regulations and made comments and proposals, some of which were incorporated into the draft. SRC has prepared a comprehensive report of stakeholders' feedback on the draft regulations.
5. Under regulation 3, the objects and purpose of the Draft SRC (Remuneration and Benefits of State and other public officers) Regulations, 2022 is to further facilitate the discharge of the mandate of the Commission.
6. The draft regulations provide the procedure to—
 - (a) set and review remuneration and benefits for State officers;
 - (b) advise on remuneration and benefits for other public officers; and
 - (c) Keep under review all matters relating to salaries and remuneration of other public officers.
7. Section 11 (e) of the SRC Act mandates SRC to determine the cycle of salaries and remuneration review upon which Parliament may allocate adequate funds for implementation. Pursuant to this provision, Regulation 2 of the draft regulations defines the term 'review cycle' as follows: *'The period after which, remuneration, allowances and benefits for State and other public officers are reviewed for budgeting and planning purposes.'*
8. Regulation 4 provides that SRC shall:
 - a. review and set remuneration and benefits for State officers every four years.
 - b. review and advise on remuneration and benefits for other public officers every four years.
9. Under Regulation 6, members were briefed that, Pension is an employment benefit and as such, SRC is mandate under Article 230 (4) (a) and (b) of the Constitution, to set and regularly review in respect of State officers, and advise with respect to other public officers. The Regulations provide—
 - i. that the Commission shall set the pension or gratuity due to a State officer; and
 - ii. in consultation with relevant stakeholders, advise on the pension or gratuity due to other public officers taking into account the applicable laws.
10. Factors to be considered by SRC in setting, reviewing and advising on remuneration and benefits. – Regulation 7 – include:
 - a) the principles set out under Article 230(5) of the Constitution, section 12 of the SRC Act and other applicable laws;
 - b) the economic performance of the country;
 - c) the capacity of a public body to afford the cost of proposed remuneration and benefits;
 - d) the ability of a public body to sustain payment of remuneration and benefits;
 - e) the outcome of comparative surveys on the labour markets and trends in remuneration;
 - f) comparative analysis between remuneration and benefits for similar jobs within institutions in the same sector to ensure equity and competitiveness;
 - g) job evaluation results as undertaken by the Commission;
 - h) cost of living;
 - i) existing collective bargaining agreements;

- j) achievement of performance and productivity targets;
 - k) government policies and guidelines;
 - l) the equitable share of revenue to county governments; and
 - m) any other relevant factor in determination of remuneration or benefits.
11. Regulation 10 is on job evaluation. SRC shall undertake job evaluation where:
- a) jobs in public bodies have not been evaluated by the Commission;
 - b) a public body is established;
 - c) a public office is established;
 - d) a new job is established arising from—
 - i. change in the institutional mandate of a public body; or
 - ii. change in the institutional structure of a public body.
 - e) a change arises in the job content of a role in a public body.
12. The SRC's obligations during job evaluation under Regulation 11 (1) includes,
- a) before undertaking a job evaluation sensitise public bodies on the job evaluation;
 - b) use an analytical, point-factor based job evaluation system that evaluates jobs using compensable factors determined by the Commission;
 - c) engage the respective public bodies on job evaluation results; and
 - d) communicate the job evaluation results to the respective public bodies, in writing.
13. Review of job evaluation results under Regulation 13 entails:
- a) Job evaluation results may be reviewed by SRC where new material information or significant changes in the job content have been submitted to the Commission.
 - b) A public body, State officer or other public officer dissatisfied with job evaluation results may request SRC to review the results.
 - c) A request for review of job evaluation results should set out the grounds for review and include supporting documents.
14. Regulation 14 Job evaluation results shall remain valid until the job is re-evaluated by the Commission.
15. On Salary structures under (Regulation 16):
- a) The Commission shall use job evaluation results to develop salary structures for State officers and advise the national and county governments on the salary structures for other public officers.
 - b) Salary structures set, reviewed or advised by SRC shall remain valid until reviewed by SRC.
16. On Performance and productivity under (Regulation 21), a public body shall seek the advice of the Commission on proposed financial rewards or cash awards before establishing a financial reward or cash award scheme.
17. The procedure for collective negotiation under (Regulation 24) propose that:
- a) A public body shall seek the advice of SRC on the remuneration and benefits items payable out of public funds before the commencement of collective bargaining negotiation.

- b) SRC shall, thereafter provide the public body with advice on the remunerative and benefits items payable. A public body shall undertake negotiation within SRC's advice.
 - c) Upon conclusion of the collective bargaining negotiation, the public body shall request SRC for clearance of the draft collective agreement to facilitate its registration at the Employment and Labour Relations Court.
18. The Regulations seek to facilitate the achievement of fiscally sustainable, transparent and fair, and harmonized pay in the public service by:
- a) aligning the cycle of determination and review of salaries and remuneration for State and other public officers to the national budgeting and planning cycles;
 - b) setting out the principles and factors to be considered during setting, review and advise on remuneration and benefits for State and other public officers;
 - c) setting out procedures for conduct of job evaluation for purposes of determining the comparable and relative worth of jobs;
 - d) setting out the factors to be considered in rewarding productivity and performance in the public service; and
 - e) setting out the procedure for obtaining the advice of SRC on the remunerative and benefit items payable out of public funds in collective bargaining negotiation.
19. Members deliberated on the Regulations and observed the following, that:
- i. The SRC had engaged the Committee on Delegated Legislation in the 12th Parliament on the Draft Regulations, however, the Commission was advised to comprehensively engage all the relevant stakeholders as concerns had been raised by some stakeholders whose views had not been addressed in the Draft Regulations;
 - ii. During the preparation of the Regulations, SRC had engaged and received comments from 52 stakeholders, whose matrix was annexed to the Draft Regulations presented to the Committee.
 - iii. The SRC Act, 2011 has not defined the term 'benefits', however, it has been defined in the Employment Act, 2007.
 - iv. Whereas the role of SRC on Benefits and Rewards regulating in accordance with Article 230(4)(a) of the Constitution, concerns were raised as to whether the Benefits and reward setting aspect was beyond their mandate. It was however, clarified that the role of SRC on this matter was advisory role, as they give the benefits range whereas the employers have discretion of over the benefits administration.
 - v. Regulation 26 was giving the Commission more powers over and above what is envisaged in the Constitution.
 - vi. Concerns were raised regarding some of the regulations, gazette notices within the purview of SRC that had not been tabled in Parliament them and contravenes section 11 of the Statutory Instruments Act but are already in force. SRC was requested to provide the Committee with a response on this matter within 7 days of this meeting.
 - vii. The Committee further requested that SRC submits the amended Draft Regulations and within 14 days from the date of this meeting.

MIN. DAA&OSC/CDL/030/2022

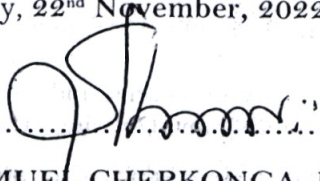
ANY OTHER BUSINESS

There was no business under this agenda item

MIN. DAA&OSC/CDL/031/2022

ADJOURNMENT

There being no other business, the meeting was adjourned at 12:40 p.m. The next meeting will be held on Tuesday, 22nd November, 2022 at Two O'clock.

SIGNED: 

THE HON. SAMUEL CHEPKONGA, MBS, M.P.
CHAIRPERSON, COMMITTEE ON DELEGATED LEGISLATION

DATE: 22th November, 2022

**MINUTES OF THE 8th SITTING OF THE COMMITTEE ON DELEGATED
LEGISLATION HELD ON FRIDAY, 24th FEBRUARY, 2023, AT THE VICTORIA
CONFERENCE ROOM, HOLIDAY INN, TWO RIVERS MALL, IN KIAMBU COUNTY
AT 9:00 AM.**

PRESENT

1. The Hon Samuel Kiprono Chepkonga, CBS, M.P. Chairperson
2. The Hon. Robert Gichimu Githinji, M.P. Vice Chairperson
3. The Hon. Robert Mbui, CBS, M.P
4. The Hon. Sunkuli Julius Lekakeny, EGH, EBS, MP
5. The Hon. Samuel Gonzi Rai, M.P.
6. The Hon. John Paul Mwirigi, M.P.
7. The Hon. Paul Chebor, M.P.
8. The Hon. Joyce Kamene, M.P.
9. The Hon. Linet Chepkorir M.P.
10. The Hon. Charles Onchoke Mamwacha.M.P
11. The Hon. Adow Kuno Yakub, M.P.
12. The Hon. Joseph Kamau Munyoro, M.P.
13. The Hon. Laura Amina Mnyazi, M.P.
14. The Hon. Kibet Kirui Kimingoi, M.P.
15. The Hon. Ruku Geoffrey Kariuki Kiringa, M.P.
16. The Hon. Pauline Lenguris, M.P.
17. The Hon. Jared Okello Odoyo M.P

APOLOGIES

1. The Hon. Nicholas S. Tindi Mwale, M.P.
2. The Hon. Abdullahi Bashir Sheikh, M.P
3. The Hon. Gideon Kipkoech Kimaiyo, M.P.
4. The Hon. Innocent Maino Mugabe, M.P.

IN ATTENDANCE

THE NATIONAL ASSEMBLY.

- | | | |
|---------------------------|---|-----------------------------------|
| 1. Ms. Esther Nginyo | - | Clerk Assistant I |
| 2. Mr. Dima Dima | - | Principal Legal Counsel |
| 3. Ms. Winny Otieno | - | Clerk Assistant III |
| 4. Mr. Jacknorine Buleemi | - | Clerk Assistant III |
| 5. Mr. Daniel Ominde | - | Research Officer III |
| 6. Ms. Faith July | - | Public Communications Officer III |
| 7. Mr. Charles Ayari | - | Audio Officer |
| 8. Mr. Manuel Leparachau | - | Serjeant-At-Arms |

MINISTRY OF AGRICULTURE AND LIVESTOCK

- | | | |
|--------------------------|---|--|
| 1. Mr. Felix Mutwiri | - | Director AFA MPICD |
| 2. Mr. Andrew Ojudo | - | Agriculture and Food Authority |
| 3. Mr. George Kashindi | - | Agriculture and Food Authority Advocate |
| 4. Mr. Daniel Ouso | - | Agriculture and Food Authority Finance |
| 5. Ms. Josephine Okapesi | - | Agriculture and Food Authority CD |
| 6. Mr. Bernard Gichovi | - | Agriculture and Food Authority CD AFA CD |
| 7. Mr. David Kithale | - | ADA, Ministry of Agriculture |

TEACHERS SERVICE COMMISSION

- | | |
|----------------------------|---------------------|
| 1. Dr. Nancy Macharia, OGW | CEO, TSC |
| 2. Mr. Isaac Ochieng | Lawyer, TSC |
| 3. Mr. Gabriel Mathenge | Administration, TSC |

AGENDA

1. Prayers;
2. Preliminaries;
3. Adoption of the Agenda;
4. Confirmation of previous minutes;
5. Matters arising;
6. Briefing by the Ministry of Agriculture and Livestock on the Crops (Miraa) Regulations, 2022 (Legal Notice No. 101 of 2022)
7. Any Other Business; and
8. Adjournment.

MIN. DAA&OSC/CDL/049/2023

PRELIMINARIES

The Chairperson called the Meeting to order at 09:25 a.m. after which prayers were said by Hon. Onchoke Charles Mamwancha, M.P. He then welcomed all present to the meeting followed by a round of introduction.

MIN. DAA&OSC/CDL/050/20223

ADOPTION OF THE AGENDA

The Members adopted the agenda of the meeting as was proposed by Hon. Onchoke Charles Mamwancha, M.P. and seconded by Hon. Joseph Kamau Munyoro, M.P.

MIN. DAA&OSC/CDL/051/2023

CONFIRMATION OF THE MINUTES

Minutes of the 7th Sitting held on Thursday, 23rd February, 2023 were confirmed as true records of the deliberations as proposed by the by Hon. Sunkuli Julius Lekakeny Ole, M.P. and seconded by Hon. Amina Laura Mnyazi, M.P.

MIN. DAA&OSC/CDL/052/2022

BRIEFING ON THE CROPS (MIRAA) REGULATIONS, 2022 (LEGAL NOTICE NO. 101 OF 2022

Mr. Felix Mutwiri, Director, AFA, Ministry of Agriculture and Livestock appeared before the Committee to brief it on the Crops (Miraa) Regulations, 2022. However, the Committee raised concern on the absence of the Cabinet Secretary, who had been invited to brief it on the said Regulations. The Committee consequently resolved to postpone the meeting to Thursday 3rd March, 2023 in which the Cabinet Secretary or Principal Secretary was required to attend.

MIN.DAA&OSC/CDL/053/2023

**COMMENTS BY THE TEACHERS SERVICE
COMMISSION ON DRAFT SALARIES AND
REMUNERATION COMMISSION
(REMUNERATION AND BENEFITS OF
STATE AND PUBLIC OFFICERS)
REGULATIONS, 2022.**

Dr. Nancy Macharia, OGW, CEO, Teachers Service Commission briefed the Committee on the issues identified in the Draft Salaries and Remuneration Commission (Remuneration and Benefits of State and Public Officers) Regulations, 2022 as follows:

1. The Teachers Service Commission (TSC) submitted their Memorandum on the Draft SRC (Remuneration and Benefits of State and Other Public Officers) Regulations, 2022 dated 24th February, 2023 enumerating various proposed changes to the said regulations.
2. The TSC highlighted the following issues in the Draft Regulations:
 - (a) the definition of the term “benefits” is ultra vires for encompassing non-financial compensation which exceeds the mandate of SRC under Article 230(4) of the Constitution;
 - (b) regulation 3(b) (iii) is unconstitutional and should be deleted as it confers the SRC the sweeping mandate to keep under review all matters relating to salaries and remuneration for other public officers contrary to Article 230(4) of the Constitution;
 - (c) regulation 6 is inconsistent with the Constitution, the Pensions Act, the Retirement Benefits Act, the Public Service Superannuation Scheme Act, and section 11(g) of the SRC Act for vesting pension and retirement benefits to the SRC, including setting the formula for pensions payable to public officers;
 - (d) regulation 21(2) is contrary to Article 249 of the Constitution and should be deleted to the extent that it seeks to unlawfully usurp the mandate of public service employers by irregularly granting the SRC the mandate to advise on internal managerial prerogatives of public employers.
3. The TSC further noted that they were never invited by the SRC for public participation on the said Regulations. They submitted that they were only invited for public participation on the Guidelines but not the Regulations.

4. In follow up, the Committee sought clarification on whether the Regulations can be cured by deleting the definition of benefits or by removal of the phrase "non-financial benefits". TSC noted that the said definition was only ultra vires to the extent that it includes non-financial benefits.

5. Further, the Committee noted not to allow any attempt by the Institutions to circumvent the rules of the SRC. It was observed that the Committee will not accept any attempt to usurp the prescriptions of the Constitution or a Statute by any Institution.

MIN. DAA&OSC/CDL/054/2023

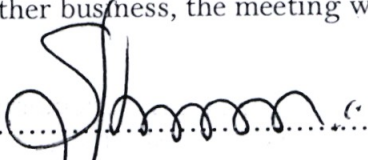
ANY OTHER BUSINESS.

There was no business under this agenda item.

MIN. DAA&OSC/CDL/055/2023

ADJOURNMENT.

There being no other business, the meeting was adjourned at Fifteen Minutes to One O'clock.

SIGNED: 

THE HON. SAMUEL CHEPKONGA, CBS. M.P.

CHAIRPERSON, COMMITTEE ON DELEGATED LEGISLATION

DATE: 18 March, 2023

**MINUTES OF THE 10TH SITTING OF THE COMMITTEE ON DELEGATED
LEGISLATION HELD ON SATURDAY, 12TH APRIL, 2025, IN LAKE NAIVASHA
RESORT, NAKURU COUNTY, AT 10.00 A.M**

PRESENT

1. The Hon Samuel Kiprono Chepkong'a, CBS, M.P. - Chairperson
2. The Hon. Robert Gichimu Githinji, M.P. - Vice-Chairperson
3. The Hon. Robert Mbui, CBS, M.P
4. The Hon. Julius Lekakeny Ole Sunkuli, EGH, EBS M.P
5. The Hon. (Dr.) Charles Mamwacha Onchoke. M.P
6. The Hon. Anthony Oluoch, M.P.
7. The Hon. John Paul Mwirigi, M.P.
8. The Hon. Pauline Lenguris, M.P.
9. The Hon. Joseph Kamau Munyoro, M.P

APOLOGIES

1. The Hon. Nicholas S. Tindi Mwale, M.P.
2. The Hon. Maj. (Rtd). Abdullahi Bashir Sheikh, M.P.
3. The Hon. Joyce Kamene, M.P
4. The Hon. Jared Okello Odoyo, M.P.
5. The Hon. Maj. (Rtd). Dekow Barrow Mohamed, M.P.
6. The Hon. Laura Amina Mnyazi, M.P.
7. The Hon. Waithaka, John Machua, M.P.
8. The Hon. (Dr.) Gideon Kipkoech Kimaiyo, M.P.
9. The Hon. Linet Chepkorir M.P.
10. The Hon. Paul Chebor, M.P.
11. The Hon. Innocent Mugabe, M.P.
12. The Hon. Yakub Adow Kuno, M.P.

IN ATTENDANCE

SECRETARIAT

- | | | |
|-------------------------|---|-----------------------|
| 1. Mr. Wilson Dima Dima | - | Deputy Director - DLS |
| 2. Mr. Brian Langwech | - | Clerk Assistant III |
| 3. Mr. Silvanus Makau | - | Clerk Assistant III |
| 4. Ms. Isabella Mwembi | - | Clerk Assistant III |
| 5. Mr. Peter Barasa | - | Legal Counsel II |
| 6. Ms. Rahab Chepkilim | - | Audio Officer |
| 7. Mr. Noah Chemweno | - | Sargent at arm |

PUBLIC SERVICE SUPERANNUATION SCHEME FUND

- | | | |
|-----------------------|---|-------------------------|
| 1. Dr. Jonah Aiyabei | - | CEO-PSSF |
| 2. Mr. Michael Kagika | - | S/DOP-National Treasury |

- | | | |
|-----------------------|---|----------------------|
| 3. Mr. Obed Mbuvi | - | PSSF |
| 4. Ms. Angela Kiptoo | - | Corp Secretary-PSSF |
| 5. Mr. Antony Kiarabu | - | RBA/Multiagency-PSSF |
| 6. Mr. Donah Oduor | - | Legal Officer-PSSF |
| 7. Mr. Douglas Asanyo | - | SSAO-PSSF |

AGENDA

1. Prayers
2. Preliminaries
3. Adoption of the Agenda
4. Confirmation of minutes
5. Matters arising
6. **Meeting with the Chief Executive Officer (CEO), Public Service Superannuation, Scheme Fund regarding the Public Service Superannuation, Scheme Regulations, 2024**
7. Any Other Business; and
8. Adjournment.

MIN. DAA&GPC/CDL/047/2025

PRELIMINARIES

The Chairperson called the Meeting to order at 10.15 a.m. and requested the Hon. Robert Gichimu Githinji, M.P., to say a prayer. He then welcomed everyone to the meeting, followed by a round of introduction.

MIN. DAA&GPC/CDL/048/2025

ADOPTION OF THE AGENDA

The agenda of the meeting was adopted after having been proposed by the Hon. Robert Gichimu Githinji, M.P., and seconded by the Hon. John Paul Mwirigi, M.P.

MIN. DAA&GPC/CDL/049/2025

CONFIRMATION OF MINUTES

Confirmation of minutes was deferred to the next sitting

MIN. DAA&GPC/CDL/050/2025

MEETING WITH THE CHIEF EXECUTIVE OFFICER (CEO), PUBLIC SERVICE SUPERANNUATION, SCHEME FUND REGARDING THE PUBLIC SERVICE SUPERANNUATION, SCHEME REGULATIONS, 2024

Dr. Jonah Aiyabei, Chief Executive Officer (CEO), Public Service Superannuation, Scheme Fund presented a brief overview of the Regulations and thereafter requested Ms. Angela Kiptoo to make a detailed presentation on the subject as follows;

1. **Regulation 1:** Provides for citation where these Regulations may be cited as Public Service Superannuation Scheme Regulations, 2024
2. **Regulation 2:** Provides for the Interpretation of words used in the Regulations.
3. **Regulation 3:** Provides for the determination of other Service to be Public Service

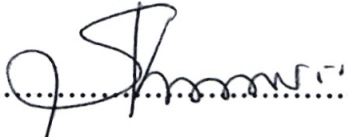
4. **Regulation 4:** Provides for Obligations of the employer
5. **Regulation 5:** Provides for General Obligations of members
6. **Regulation 6:** Provides for the Obligations of the Trustees
7. **Regulation 7:** Provides for the Annual General Meeting
8. **Regulation 8:** Provides for Special General Meeting
9. **Regulation 9:** Provides for Additional Voluntary Contributions
10. **Regulation 10:** Provides for Retirement Savings Account
11. **Regulation 11:** Provides for Withdrawal from the Retirement Savings Account
12. **Regulation 12:** Provides for Transfer of Benefits
13. **Regulation 13:** Provides for Deferment of Benefits
14. **Regulation 14:** Provides for Retirement upon attainment of mandatory retirement age
15. **Regulation 15:** Provides for Early retirement
16. **Regulation 16:** Provides for payment of Retirement Benefits
17. **Regulation 17:** Provides for Benefits from the Scheme upon death in Service
18. **Regulation 18:** Provides for Benefits under Life Insurance
19. **Regulation 19:** Provides for Retirement Benefits accrued before the commencement of the Act
20. **Regulation 20:** Provides for Dispute Resolution
21. **Regulation 21:** Provides for Matters not provided for in the Regulations
22. Upon deliberations, the Committee made the following observations and recommendations that;
 - i. The Regulations be arranged in parts
 - ii. The word 'Scheme' be defined
 - iii. Under Regulation 2(b), the committee observed that an individual 'Authorized Officer' had been granted powers equivalent to those of the National Police Service Commission and recommended that this be addressed.
 - iv. "Under Regulation 2(c), the committee noted that the use of the word 'or' implies that clauses (a), (b), and (c) are to be read jointly, while clause (d) appears to stand separately. The committee therefore sought clarification on whether the clauses should be interpreted as joint or several."
 - v. Regulation 3(b) was not a parameter if other Service are Public Service
 - vi. Under Regulation 5(1)(a), the committee observed that imposing a 14-day deadline for submitting the membership enrolment form and the beneficiary nomination form was not well considered. They recommended that these forms be completed alongside the appointment-to-office forms.
 - vii. Under Regulation 5(1)(c), the committee recommended incorporating into the Regulations the penalties outlined in the Act for employers who fail to remit members' contributions.
 - viii. In Regulation 5 (2), the Scheme should be writing to the members advising them to fill the membership enrolment form and the beneficiary nomination form
 - ix. The committee noted the use of both 'Trustee' and 'Board' in Regulation 6(1) and recommended clarifying which term should be used.

- x. The committee also noted that Regulations 6(1)(n)(iii) and 6(3) contravened section 13(m) of the Statutory Instruments Act due to improper delegation of Power and recommended that this issue be addressed.
- xi. The Committee also recommended removing the words "any other" from Regulations 7(2)(g) and 7(3)(d), to remove ambiguity in those clauses.
- xii. Under Regulation 14(1), the committee recommended that the scheme to establish its own system for identifying members' retirement dates rather than relying solely on notifications from the employer.
- xiii. The Committee also recommended removing the words "such other information" from Regulation 17(4) to remove ambiguity in that clause.
- xiv. Under Regulation 17(6)(h), the committee observed that the term "Trust Fund" was used without a definition in Regulation 2. It further noted that, by law, Funds are established by the National Treasury. Following deliberations, the committee recommended that the Regulation-making Authority should cross-reference the Retirement Benefits Act, where the Fund is domiciled, to provide clarity.
- xv. The word 'Government' Under Regulation 19(1) be defined.
- xvi. Under Regulation 20, the committee recommended splitting it into two separate regulations: one focused on offences and the appeal mechanism, and the other dedicated to dispute resolution.
- xvii. Under Regulation 21, the Committee noted a complete disregard for Section 13(m) of the Statutory Instruments Act by granting the Board Authority over matters not specified in the Regulations. The Committee recommended either explicitly including those matters within the Regulations or removing Regulation 21 entirely.
- xviii. After deliberations, the committee recommended that the Regulation-making Authority consider incorporating the committee's comments into the Regulations before their publication.

MIN. DAA&GPC/CDL/051/2025

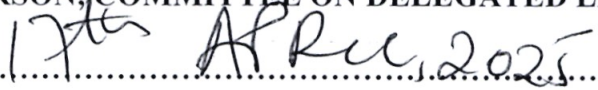
ADJOURNMENT

There being no other business, the meeting was adjourned at twenty minutes to one O'clock. The next meeting will be held on notice.

SIGNED: 

THE HON. SAMUEL CHEPKONGA, CBS, M.P.

CHAIRPERSON, COMMITTEE ON DELEGATED LEGISLATION

DATE: 



LEGAL NOTICE NO.

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

ARRANGEMENT OF REGULATIONS

Regulation

PART I—PRELIMINARY PROVISIONS

- 1— Citation.
- 2— Interpretation.
- 3— Object of the Regulations.

**PART II—SETTING, REVIEWING, AND ADVISING ON
REMUNERATION AND BENEFITS**

- 4— Setting and advising.
- 5— Review cycle.
- 6— Requirement for submission of relevant information.
- 7— Considerations during setting, reviewing, and advising on remuneration and benefits.
- 8— Communication and effective date.
- 9— Job evaluation.
- 10—Conduct of job evaluation.
- 11—Procedure for undertaking job evaluation.
- 12—Information to be submitted by a public body for job evaluation.
- 13—Review of job evaluation results.
- 14—Validity of job evaluation results.

- 15—Request for clarification.
- 16—Application of Job Evaluation results.
- 17—Procedure for developing salary structures.
- 18—Information for setting and review, and advice on salary structures.
- 19—Validity of, and advice on, salary structures.
- 20—Guidance on implementation of salary structures.
- 21—Recognising productivity and performance.
- 22—Factors to be considered in recognising productivity and performance.
- 23—Collective bargaining negotiation.
- 24—Procedure for collective bargaining negotiation.
- 25—Retirement benefits.

PART III— MISCELLANEOUS PROVISIONS

- 26—Submission of request for setting, reviewing and advising.
- 27—Review of advice on remuneration and benefits.
- 28—Request for information.
- 29—Disputes relating to remuneration and benefits.
- 30—Monitoring and evaluation.

THE SALARIES AND REMUNERATION COMMISSION ACT, 2011
(No. 10 of 2011)

IN EXERCISE of the powers conferred by section 26 of the Salaries and Remuneration Commission Act, 2011, the Salaries and Remuneration Commission makes the following Regulations—

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

PART I—PRELIMINARY PROVISIONS

Citation. **1.** These Regulations may be cited as the Salaries and Remuneration Commission (Remuneration and Benefits of State and other Public Officers) Regulations, 2025.

Interpretation. **2.** In these Regulations, unless the context otherwise requires—

“Commission” means the Salaries and Remuneration Commission established by Article 230 of the Constitution;

“Committee” means the Job Description Analysis Committee” constituted under Regulation 12(2)(a) of these regulations.

“cost of living” means the cost of purchasing goods and services as measured by the changes in the Consumer Price Index as provided by the Kenya National Bureau of Statistics from time to time.

“job description” means a standardized documentation of the duties, responsibilities, reporting relationships, critical performance areas and working conditions, and the minimum qualifications, experience, skills and competences required to perform a job;

“job description manual” means a document containing job descriptions;

“job evaluation” means a systematic and objective process of determining the worth of a job in relation to other jobs;

“performance” means a measure of the extent of attainment of set objectives of a public body’s goals in an effective and efficient manner;

“productivity” means a measure of efficiency and effectiveness in utilisation of public resources to optimise delivery of goods and services in the public service;

Cap. 2

“public body” means;

- (a) the Government, or any department, institution or undertaking thereof; or
- (b) a local authority; or
- (c) any authority, board, commission, committee or other body, whether paid or unpaid, which is invested with or is performing, whether permanently or temporarily, functions of a public nature

“public officer” means;

- (a) any State officer; or
- (b) any person, other than a State Officer, who holds a public office;

“public service” means the collectivity of all individuals, other than State officers, performing a function within a State organ;

“review cycle ” means the period after which salaries and remuneration for State and other public officers are reviewed for budgeting and planning purposes;

“State officer” means a person holding a State office; and

No. 14 of 2007 “trade union” means an association of employees whose principal purpose is to regulate relations between employees and employers, including any employers’ organisation;.

Object of the Regulations. 3.(1) The objective of these Regulations is to provide for the procedures for—

- (i) setting and reviewing remuneration and benefits for State officers;
- (ii) advising on remuneration and benefits for other public officers; and
- (iii) keeping under review all matters relating to salaries and remuneration of other public officers.

PART II—SETTING, REVIEWING, AND ADVISING ON REMUNERATION AND BENEFITS

Setting and advising 4. Pursuant to Article 230 (4) of the Constitution, the Commission shall—

- (a) set and regularly review the remuneration and benefits of all State officers; and
- (b) advise the national and county governments on the remuneration and benefits of all other public officers.

Review cycle. 5.(1) The Commission shall review and set remuneration and

benefits for State officers every four years.

(2) The Commission shall review and advise on remuneration and benefits for other public officers every four years.

(3) The Commission shall when undertaking a review under sub-regulations (1) and (2)—

(a) assess the prevailing remuneration and benefits of State officers with a view to institute change, where necessary; or

(b) assess the prevailing remuneration and benefits of other public officers with a view to advising on the remuneration and benefits.

(4) Despite sub-regulations (1) and (2), the Commission may undertake a special review of the remuneration and benefits of State and other public officers to address emerging circumstances.

(5) The Commission shall take into account the applicable national budgeting and planning cycle in undertaking the reviews.

Requirement
for submission
of information.

6.(1) Whenever a review is due, the Commission shall require a public body to submit information on remuneration and benefits for State officers or other public officers in the public body.

(2) Where the Commission requires a public body to submit information on remuneration and benefits under sub-regulation (1), the public body shall submit the information in writing.

Considerations
during setting,
reviewing, and
advising on

7.(1) Pursuant to the principles set out under Article 230 (5) of the Constitution and section 12 of the Act, the Commission shall, in performing its functions, consider—

remuneration
and benefits.

- (a) the economic performance of the country;
- (b) the capacity of a public body to afford the cost of proposed remuneration and benefits;
- (c) the ability of a public body to sustain payment of remuneration and benefits;
- (d) the outcome of comparative surveys on the labour markets and trends in remuneration;
- (e) comparative analysis between remuneration and benefits for similar jobs within institutions in the same sector to ensure equity and competitiveness;
- (f) job evaluation results as undertaken by the Commission;
- (g) cost of living;
- (h) existing collective bargaining agreements;
- (i) achievement of performance and productivity targets;
- (j) government policies and guidelines; or
- (k) the equitable share of revenue to county governments.

Communication
and effective
date.

8. The Commission shall communicate in writing the—

- (a) set and reviewed remuneration and benefits for State officers indicating the effective date of implementation;
or
- (b) advice on remuneration and benefits for other public officers indicating the effective date of implementation.

Job evaluation. **9.** The Commission shall undertake job evaluation covering jobs in public bodies in order to—

- (a) determine comparable and relative worth of jobs in public bodies;
- (b) determine equal pay for work of equal value; and
- (c) ensure fairness and transparency in pay.

Conduct of job evaluation. **10.(1)** The Commission shall undertake job evaluation where—

- (a) jobs in a public body have not been evaluated by the Commission;
- (b) a public body is established;
- (c) a public office is established;
- (d) a new job is established arising from—
 - (i) a change in the mandate of a public body; or
 - (ii) a change in the institutional structure of a public body; and
- (e) a change arises in the job content of a role in a public body.

Procedure for undertaking job evaluation. **11.(1)** The Commission shall—

- (a) before undertaking a job evaluation sensitise public bodies on the job evaluation;
- (b) use an analytical, point-factor based job evaluation

system;

(c) engage the respective public bodies on job evaluation results; and

(d) communicate the job evaluation results to the respective public bodies, in writing.

(2) Every public body shall—

(a) constitute a job description analysis committee comprising—

(i) the Authorized/Accounting Officer;

(ii) heads of Department/Functions;

(iii) employee representatives for different cadres; and

(iv) shop stewards, where applicable.

(b) ensure the committee assesses, identifies and determines the jobs to be evaluated;

(c) ensure the committee develops complete, accurate, approved and authenticated job description manual to be submitted to the Commission;

(d) ensure the committee develops a report on the Jobs to be submitted to the Commission for job evaluation; and

(e) provide feedback on the job evaluation results when

communicated by the Commission.

(3) A public body shall align the job description manual referred to in sub-regulation (2)(c) to the provisions of the relevant law, where applicable, and the approved human resource instruments.

(4) The Commission shall, where a job description for a State officer or other public officer is not submitted and where applicable, use the information provided in the relevant law to evaluate the job.

(5) Where a job description for a public officer is not submitted, the results of the previous job evaluation shall apply.

(6) Where a public body does not provide feedback on job evaluation results, the Commission shall proceed to conclude the job evaluation.

Information to be submitted by a public body for job evaluation.

12.(1) A public body that meets the requirements for job evaluation as set out under regulation 11 shall submit to the Commission information relating to jobs within the public body for the purposes of job evaluation.

(2) The information to be provided in sub-regulation (1) shall include—

- (a) the approved institutional structure;
- (b) the approved staff establishment;
- (c) the approved career progression guidelines or schemes of service;

- (d) a list of jobs in the public body indicating current grades or levels;
- (e) the complete, accurate, approved and signed-off job description manual; and
- (f) the report of the Committee under regulation 12(2)(d).

Review of job
evaluation
results.

13.(1) A public body that is dissatisfied with the job evaluation results may, within thirty days from the date of communication of the job evaluation results, submit a request to the Commission for review of the job evaluation results.

(2) A request under sub-regulation (1) shall—

- (a) be in writing;
- (b) set out the grounds for review; and
- (c) provide information in support of the grounds for review.

(3) A State officer or other public officer that is dissatisfied with the job evaluation results, may upon communication of the job evaluation results—

- (a) submit their grounds for review to the public body; and
- (b) the public body shall, if satisfied that the grounds have merit, submit to the Commission a request for review, the grounds for review and information in support of the grounds for review.

(4) Where the Commission requests, in writing, for additional information relating to a request for a review of job evaluation results, a public body shall provide the information within twenty days from the date of receipt of the request.

(5) Where the Commission does not receive additional information relating to a request for the review of job evaluation results within the stipulated time, the Commission may—

- (a) extend the time for submission of the required information; or
- (b) make any other determination as the Commission may consider fit.

(6) The Commission shall review job evaluation results within fifty-five working days from the date of receipt of all the required information in support of a request for review.

Validity of job evaluation results.

14. Job evaluation results shall remain valid until the job is re-evaluated by the Commission.

Request for clarification.

15. A public body may request for clarification, in writing, from the Commission on job evaluation results and the implementation of job evaluation results.

Application of Job Evaluation results.

16. The Commission shall use job evaluation results, among other considerations set out in regulation 7, to—

- (a) set and review remuneration and benefits for a State officer; or
- (b) advise on the remuneration and benefits for other public officers.

Procedure for developing salary

17.(1) The Commission shall—

structures.

(a) develop and set salary structures for State officers; or

(b) advise on the salary structures for other public officers.

(2) The Commission, shall, before developing and setting salary structures for State officers or advising on salary structures for other public officers under sub-regulation (1)—

(a) conduct comparative surveys on labour markets and trends in remuneration to determine the relativity of remuneration of public service in relation to the market trends; and

(b) subject the outcome of the comparative surveys on labour markets and trends in remuneration to the considerations set out in regulation 7.

Information for setting and review, and advise on salary structures.

18.(1) A public body shall upon request by the Commission provide such information on remuneration and benefits as may be required by the Commission to enable the Commission set and review salary structures for State officers; and advise on salary structures for other public officers.

(2) The Commission may, notwithstanding failure by a public body to submit the required information in accordance with sub-regulation (1),—

(a) set salary structures for State officers; and

(b) advise on the salary structures for other public officers.

Validity of, and advice on, salary structures.

19.(1) The salary structures set for State officers shall remain in place until reviewed by the Commission.

(2) The salary structures for other public officers may only be reviewed on the advice of the Commission.

Guidance on implementation of salary structures.

20. (1) A public body may request for guidance, in writing, from the Commission on implementation of—

- (a) the set and reviewed salary structures for State officers; or
- (b) the advice on its salary structures for other public officers.

(2) The Commission shall, upon receipt of a request under sub-regulation (1), provide guidance in writing to the public body.

Recognising productivity and performance.

21.(1) The Commission shall in performing its functions, recognise productivity and performance.

(2) A public body shall seek the advice of the Commission where it intends to give financial rewards, payable out of public funds, in recognition of an achievement of productivity and performance target.

Factors to be considered in recognising productivity and performance.

22. The Commission shall, in recognising productivity and performance, be guided by the—

- (a) achievement of productivity and performance targets as set by the public body;
- (b) capacity of a public body to afford the cost of proposed financial reward; and
- (c) government policies and guidelines.

Collective bargaining negotiation.

23.(1) The Commission shall, pursuant to section 11 of the Act, advise public bodies on the remunerative and benefit items payable out of public funds in collective bargaining negotiation.

(2) Collective bargaining negotiation between a public body and a trade union shall cover a four-year cycle.

Procedure for collective bargaining negotiation.

24.(1) A public body with a recognition agreement with a trade union shall seek the advice of the Commission on remuneration and benefits items payable out of public funds before the commencement of collective bargaining negotiation.

(2) A public body shall provide the following information required for provision of advice on collective bargaining negotiation—

- (a) any trade union proposals and management recommendations;
- (b) the public body's financial performance;
- (c) the budget allocation; and
- (d) the approved salary structure and staff establishment.

(3) The Commission shall, upon receipt of a request for advice, provide the public body with advice on the remunerative and benefits items payable out of public funds for purposes of collective bargaining negotiation, taking into account the considerations set out in regulation 7.

(4) A public body shall undertake negotiation based on the advice of the Commission.

(5) Upon conclusion of collective bargaining negotiation, the public body shall request the Commission in writing for concurrence on the items under Regulation 24(1).

(6) Where the Commission is satisfied that the items under Regulation 24(1) are in line with its advice, the Commission shall issue concurrence in writing to facilitate registration of the collective bargaining agreement at the Employment and Labour Relations Court.

Retirement
benefits.

25.(1) The Commission shall set the retirement benefits due to a State officer.

(2) A public body shall seek advice of the Commission on the retirement benefits due to other public officers.

(3) The Commission, upon receipt of a request for advice on retirement benefits due to other public officers under sub-regulation (2), shall advise on the retirement benefits due to other public officers taking into account the considerations set out under these regulations and other enabling statutes.

(4) Despite sub-regulation (2), the Commission may undertake periodic reviews and advise public bodies on retirement benefits for other public officers.

PART III—MISCELLANEOUS PROVISIONS

Submission of
request for
setting,
reviewing and
advising.

26. The Commission shall, at any time, upon the request of a public body, in writing,—

(a) set and review the remuneration and benefits of the State officers serving in the public body; or

(b) advise on the remuneration and benefits of the other public officers serving in the public body.

Review of
advice on
remuneration

27.(1) The advice of the Commission, in relation to the remuneration and benefits of all other public officers may only

and benefits. be reviewed by the Commission.

(2) A public body shall seek for the review of the advice of the Commission in writing.

(3) The Commission may review its advice upon receipt of new information not previously placed before it provided that such review shall take into account the considerations set out in regulation 7.

(4) The advice of the Commission once reviewed supersedes any prior advice.

Request for information.

28.(1) Pursuant to section 13(1)(a) of the Act, the Commission may, request a public body to provide such information as may be relevant.

(2) A public body shall, upon receipt of the request in sub-regulation (1), provide the information to the Commission in writing.

Disputes relating to remuneration and benefits.

29.(1). A public body shall notify the Commission of any dispute relating to remuneration or benefits for its State or other public officers.

(2) The Commission shall encourage the use of alternative dispute resolution mechanisms in any disputes relating to remuneration or benefits for State and other public officers.

Monitoring and evaluation.

30.(1) The Commission may monitor and evaluate the implementation of its set remuneration and benefits for State officers or advice on remuneration and benefits for other public officers to—

(a) assess effectiveness in the implementation of the set or

reviewed remuneration and benefits of State officers;

(b) assess effectiveness in the implementation of the advice on remuneration and benefits for other public officers;

(c) identify challenges in the implementation of sub-regulations (a) and (b); and

(d) in liaison with public bodies, identify remedies, where appropriate, for continuous improvement.

(2) The Commission may sensitize public bodies on implementation of the—

(a) set and reviewed remuneration and benefits for State officers; and

(b) advice on remuneration and benefits for other public officers.

Made on the, 2025

SAMMY CHEPKWONY,

*Chairperson,
Salaries and Remuneration Commission.*

SCHEDULE

EXPLANATORY MEMORANDUM TO THE SALARIES AND REMUNERATION COMMISSION (REMUNERATION AND BENEFITS OF STATE AND OTHER PUBLIC OFFICERS) REGULATIONS, 2025

PART I

Name of the Statutory Instrument:

The Salaries and Remuneration Commission (Remuneration and Benefits of State and Other Public Officers) Regulations, 2025

Name of the Parent Act:

Salaries and Remuneration Commission Act, 2011

Enacted Pursuant:

Section 26 of the Salaries and Remuneration Commission Act, 2011

Name of the State Organ:

Salaries and Remuneration Commission

PART II

1. Purpose of the Statutory Instrument

The Salaries and Remuneration Commission (Remuneration and Benefits of State and Other Public Officers) Regulations, 2025 are made by the Salaries and Remuneration Commission pursuant to section 26 of the Salaries and Remuneration Commission Act. The general purpose of the Regulations is to facilitate the discharge of the mandate of the Commission. Specifically, the Regulations are intended to—

(a) provide for the procedure to—

(i) set and review remuneration and benefits for State officers;

- (ii) advise on remuneration and benefits for other public officers;
- (iii) keep under review all matters relating to salaries and remuneration of other public officers;
- (iv) undertake job evaluation;
- (v) set salary structures for State officers;
- (vi) advise on salary structures for all other public officers;
- (vii) reward productivity and performance;
- (viii) advise public bodies on collective bargaining negotiation; and
- (ix) monitor and evaluate the implementation of set remuneration and benefits of State officers or advice on remuneration and benefits for other public officers.

2.Legislative Context

The Constitution of Kenya, 2010, under Article 230(4), mandates the Salaries and Remuneration Commission (SRC) to set and regularly review the remuneration and benefits of all State Officers and advice the National and County Governments on the remuneration and benefits of all other public officers. In discharging its functions, the SRC is guided by the principles set out in Article 230(5) of the Constitution and Section 12(1) of the Salaries and Remuneration Commission (SRC) Act. The principles include:

- (a) the need to ensure that the total public compensation bill is fiscally sustainable;
- (b) the need to ensure that the public services are able to attract and retain the skills required to execute their functions;
- (c) the need to recognise productivity and performance;
- (d) transparency and fairness; and
- (e) Equal remuneration to persons for work of equal value.

Further, Section 11 of the SRC Act provides for additional powers and functions for SRC. These are, inter alia:

- (a) inquire into and advise on the salaries and remuneration to be paid out of public funds;
- (b) keep under review all matters relating to the salaries and remuneration of public officers; and
- (c) determine the cycle of salaries and remuneration review upon which Parliament may allocate adequate funds for implementation.

Prior to establishment of SRC, wage awards were granted to sub-sectors of the public service without regard to their implications on the other sectors of the public service, macro-economic stability and external competitiveness, effectiveness and service delivery and affordability of such award. To address these challenges and ensure fair and transparent harmonization of public service salaries and value for money, the constitution established the SRC, with the intention of upholding the principles of public finance and fiscal responsibility, the budgetary process and the complexity of salaries and benefits determination for public officers.

The Salaries and Remuneration Commission (Remuneration and Benefits of State and Other Public Officers) Regulations, 2025 seek to facilitate the achievement of fiscally sustainable, transparent and fair, and harmonized pay in the public service by:

1. aligning the cycle of determination and review of salaries and remuneration for State and other public officers as envisaged in the SRC Act 2011 to the national budgeting and planning cycles;
2. setting out the factors to be considered during setting, review and advise on remuneration and benefits for State and other public officers;
3. setting out procedures for conduct of job evaluation for purposes of determining the comparable and relative worth of jobs;
4. setting out the factors to be considered in rewarding productivity and performance in the public service; and
5. setting out the procedure for obtaining the advice of SRC on the remunerative and benefit items payable out of public funds in collective bargaining negotiation.

3. Policy Framework

The policy objective of the Salaries and Remuneration Commission Act, 2011 is to make further provision as to the functions and powers of the Salaries and Remuneration Commission, and for connected purposes.

The Constitution of Kenya 2010 and the Salaries and Remuneration Commission Act, 2011 provide, *inter alia*, for the powers and functions of the Salaries and Remuneration Commission. The Regulations provide *inter alia* the procedure for:

- (a) setting and reviewing remuneration and benefits for State officers;
- (b) advising on remuneration and benefits for other public officers;
- (c) keeping under review all matters relating to salaries and remuneration of other public officers;
- (d) undertaking job evaluation and
- (e) obtaining the advice of the Commission on remuneration and benefits for public officers.

4. Consultation Outcome

i. consultation with key stakeholders

The Salaries and Remuneration Commission engaged a wide range of stakeholders between 28th February and 4th March, 2022 and on 10th March, 2022 as well as on 11th April, 2025. This was done through sensitisation sessions and involved Ministries, Departments, and agencies, State Corporations Advisory Committee constitutional commissions and independent offices, county governments, Council of Governors, IGRTC, Law Society of Kenya, Association of Professional Societies in East Africa, Office of the Attorney General and Department of Justice, Kenya Law Reform Commission, the Federation of Kenya Employers and the Central Organization of Trade Unions among others.

Following the comprehensive stakeholder engagement process, the Commission carefully analyzed and incorporated the feedback received to refine the draft

regulations. The proposed improvements included proposals to clearly set out Salaries and Remuneration Commission's mandate with respect to state and other public officers and provide that the Commission shall in accordance with article 230 (4) of the Constitution set the remuneration and benefits for State officers and advise the national and county governments on the remuneration and benefits of other public officers.

Proposals to clarify the purpose of conducting job evaluation and resultant job evaluation grading structures, were also received and incorporated into the draft.

Further, the Commission received and adopted a proposal to incorporate equitable share of revenue to counties as a factor for consideration in advising county governments on remuneration and benefits for other public officers.

In addition, a number of stakeholders submitted views on the provisions relating to pensions. The Commission considered the views and amended the draft regulations appropriately, in particular to take into account the statutory and institutional framework on pensions in Kenya.

ii. Engagement with the public

Further, the Commission invited written submissions from stakeholders and the general public, vide newspaper advertisements in *Daily Nation* and *Standard* newspapers, which ran on 22nd February, 2022. Majority of the stakeholders consulted supported the draft regulations and made comments and proposals, some of which were incorporated into the draft.

iii. Engagement with Committee on Delegated Legislation

In addition, the Commission held a stakeholder engagement and consultation meeting with the National Assembly Committee on Delegated Legislation (CDL) on 11th April 2025, at the Lake Naivasha Resort, Naivasha, Nakuru County regarding the draft regulations. The stakeholder engagement meeting yielded significant positive outcomes that enhanced the quality and compliance of the draft regulations. The CDL successfully provided comprehensive recommendations for improving the draft regulations. Subsequently, on 28th and 29th April, 2025, technical teams from both SRC and the National Assembly conducted thorough joint reviews over two days, resulting in the incorporation of CDL recommendations into the revised draft.

The revised Draft Regulations have fully incorporated the views submitted by the Committee on Delegated Legislation.

5. Guidance

The Salaries and Remuneration Commission will carry out sensitization forums and create awareness of the instrument to the users and implementing institutions. The instrument will also be uploaded in the Commission's website.

6. Impact

This statutory instrument does not impose costs on any community or part of a community and therefore does require a regulatory impact statement.

7. Monitoring and Review

The Salaries and Remuneration Commission shall monitor the implementation of these regulations on a continuous basis so as to identify the need for any future changes.

8. Contact

The Commission Secretary,
Salaries and Remuneration Commission,
P.O. Box 43621- 00100, Nairobi
Tel No.(020) 2710065/ 81, 0794587903
Email: info@src.go.ke



**Salaries & Remuneration
Commission**
Rewarding productivity

Ref No. SRC/ADM/18 (65)

26th March 2025

Mr. Samuel Njoroge, CBS
Clerk, National Assembly
Parliament Buildings
P.O. Box 41842, GPO-00100
NAIROBI

Dear *Mr. Njoroge*

**REQUEST FOR MEETING BETWEEN THE SALARIES AND REMUNERATION
COMMISSION AND THE COMMITTEE ON DELEGATED LEGISLATION OF THE
NATIONAL ASSEMBLY**

Reference is made to previous engagements held between the Salaries and Remuneration Commission (SRC) and the Committee on Delegated Legislation of the National Assembly on the Draft Salaries and Remuneration Commission Regulations.

In this regard, and in the spirit of mutual cooperation towards the fulfilment of the mandates of both institutions, SRC is hereby requesting for a collaborative meeting with the Committee on Delegated Legislation of the National Assembly.

SRC is therefore proposing for the meeting to be held from 10 to 12 April 2025, in Naivasha. SRC will cater for the cost of the conferencing, while each institution will facilitate the cost of travel and accommodation for its participants attending the meeting.

We shall appreciate your early and kind confirmation of participation in the meeting.

SRC appreciates your cooperation and support as we discharge our respective mandates.

Yours

Dr. Anne R. Gitau, PhD. EBS, CHRP.
COMMISSION SECRETARY/CEO