

PARLIAMENT  
OF KENYA  
LIBRARY

**MEMO**

②

*Approved*  
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To : The Speaker  
Thr' : The Clerk  
From : Director, Legislative and procedural Services  
Date : 16<sup>th</sup> December, 2015

Subject: MESSAGE FROM THE NATIONAL ASSEMBLY ON THE PARLIAMENTARY SOCIETY OF KENYA BILL (NATIONAL ASSEMBLY BILL NO. 35 OF 2013)

The above matter refers.

Pursuant to standing order 40 (2), the Clerk of the Senate received a Message from the National Assembly on the passage of the Parliamentary Society of Kenya Bill (National Assembly Bill No. 35 of 2013).

This is to request for approval of the letter transmitting the said Message to Senators pursuant to standing order 40 (5).

*Serah Kioko*  
**SERAH KIOKO**

① Rt. Hon. Speaker

*You may approve/sign for transmittal to all Senators. It should be observed that there was no concurrence on this Bill.*

*[Signature]*  
16/12/15

③ Lydia

*Send a copy of the message to every Senator.*

*[Signature]*  
18/12/15

SENATE COPY

Director,

# COUNTY GOVERNMENT VIHIGA

These documents do not relate to the present petition, but rather to the earlier petition by Mr. Julius Masiva, which is pending before the SC on Finance, Commerce & Budget. We may refer the bundle to the DCS. Charles.

② DCS

This relates to the petition by Mr. Julius Masiva Obuga which is before the finance committee.



Kindly bring to the attention of the committee.

26/10/15 VIHIGA COUNTY ASSEMBLY  
COUNTY ASSEMBLY SERVICE BOARD

FURTHER DOCUMENTATION IN RESPONSE TO A PETITION FROM ONE JULIUS MASIVA OBUGA A RESIDENT OF VIHIGA COUNTY AND A KENYAN CITIZEN WHO DREW THE ATTENTION OF THE SENATE TO ALLEGED MISMANAGEMENT AND FINANCIAL IRREGULARITIES IN THE COUNTY ASSEMBLY OF VIHIGA

OCTOBER, 2015

**THE SENATE  
RECEIVED**  
26 OCT 2015  
DIRECTOR COMMITTEE SERVICES

SENATE COPY

ANNEX I

14<sup>th</sup> February 2014

VIHIGA COUNTY ASSEMBLY PROCEEDINGS

REPUBLIC OF KENYA  
COUNTY ASSEMBLY OF VIHIGA  
THE HANSARD

Tuesday 14<sup>th</sup> January 2014

*The Assembly met in the chamber at Vihiga High School at 2:30pm*

*[The Speaker (Hon. Daniel Chitwa) in the chair]*

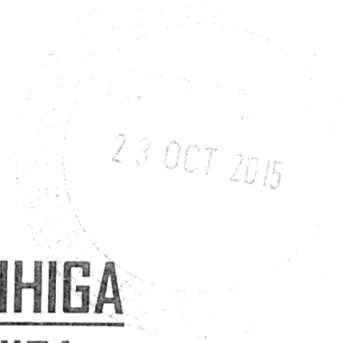
PRAYERS

*Order paper read*

COMMUNICATION FROM THE CHAIR

**Speaker (Hon. Chitwa):** Honorable members, allow me to welcome you to this Assembly. I want to wish you a prosperous and a happy 2014. On the 13<sup>th</sup> day of January 2014, the Leader of Majority in consultation with the Leader of Minority via the letter dated the same day requested my office to convene a special sitting for the Assembly to consider the approval of the appointment of the Clerk of the Assembly by the Board. This was pursuant to the provisions of Standing Order 26(1) which provides as follows; whenever during a session the County Assembly stands adjourned, whether or not a day has been appointed for the next meeting, the Speaker may on the request of the Leader of the Majority Party or the Leader of the Minority Party appoint a day for a special sitting for the County Assembly.

Upon my consideration of the request, I came to the conclusion that the business proposed to be transacted by the Leader of Majority was urgent and exceptional because the position of the Clerk to the Assembly is crucial to operations, although the law requires that notification of such a sitting to members must be done through a gazette notice. I am cognizant to the fact that the County Government has not put in place such measures which would ordinarily avail to my office for such process. Nonetheless, my office did approve the requested special sitting through a directive to the two leaders to martial their respective Whips to notify their members. However it is also incumbent that the business of the Assembly whenever a special sitting is allowed be specified.



**COUNTY GOVERNMENT OF VIHIGA**  
**THE COUNTY ASSEMBLY OF VIHIGA**  
**FIRST ASSEMBLY – FIRST SESSION – 2013**

**REPORT OF THE COUNTY ASSEMBLY SERVICE BOARD**

**APPOINTMENT OF THE CLERK OF THE COUNTY ASSEMBLY**

01. The County Assembly Service Board (CASB) is pleased to present to the County Assembly, its first report being a report on the appointment of the first Clerk of the County Assembly.

**ESTABLISHMENT, MEMBERSHIP AND SECRETARIAT OF CASB**

02. The County Assembly Service Board, is established by provisions of section 12 of the County Governments Act (CGA) 2012, whose pertinent parts state thus:-

**Section 12 – The County Assembly Service Board**

- (1) *There shall be a County Assembly Service Board for each County Assembly*
- (2) *The County Assembly Service Board shall be a body corporate with perpetual succession and a common seal.*
- (3) *The County Assembly Service Board shall consist of:-*
  - (a) *The Speaker of the County Assembly as the Chairperson*
  - (b) *The Leader of the Majority Party or a member of the County Assembly deputed by him or her, as the Vice Chairperson;*
  - (c) *The Leader of the Minority Party or a member of County Assembly deputed by him or her; and*
  - (d) *One person resident in the County, appointed by the County Assembly form among persons who have knowledge and experience in public affairs, but who is not a member of the County Assembly*
- (4) *The County Assembly Clerk shall be the Secretary to the County Assembly Service Board.*

03. The current membership of CASB, comprise the following:-

- |                                      |                         |
|--------------------------------------|-------------------------|
| (a) The Hon. Daniel C. Chitwah       | Chairperson             |
| (b) The Hon. Andrew Ahuga Mwenesi    | Vice Chairperson        |
| (c) The Hon. Jenipher Ekhuya         | Leader of Minority; and |
| (d) The Hon. Benson Onzere Mudangale | Member                  |

6<sup>th</sup> May 2015

VIHIGA COUNTY ASSEMBLY PROCEEDINGS

SENATE COPY

ANNEX III

COUNTY ASSEMBLY OF VIHIGA

THE HANSARD

Wednesday 6<sup>th</sup> May 2015

*The Assembly met in the chamber at Vihiga High School at 10:00am*

*[The Speaker (Hon. Daniel Chitwa) in the chair]*

PRAYERS

*Order paper read*

COMMUNICATION FROM THE CHAIR

**Speaker (Hon. Chitwa):** Honorable members, on the fifth day of May 2015, I received a request from the Leader of Majority, Hon. David Ogova, to convene a special sitting pursuant to Standing Order 26 of the Vihiga County Standing orders. The reason of convening this special sitting was triggered by the need to allow this Assembly to consider the report of the Ad hoc committee about the conduct of the Clerk. Honorable members, you realize that an Ad hoc committee that is formed under this House Standing Orders has specific timeline. The lifetime of the above Ad hoc committee was destined to end today after its life was extended last Tuesday. I therefore would wish to formally communicate that I sanction today's special sitting pursuant to Standing Order 26 and issued a notice thereof for it to be convened today at Vihiga High School Assembly's chambers on Wednesday the 6<sup>th</sup> May 2015.

Standing Order 26 provides that whenever during a session the County Assembly stands adjourned whether or not a day has been appointed for the next meeting, the Speaker may on the request of the Leader of the Majority party or the Leader of the Minority party appoint a day for a special sitting of the County Assembly. The Speaker may allow under paragraph one, the special sitting of the County Assembly. The Speaker may allow a request under paragraph one if he is satisfied that the business proposed to be transacted relates to any urgent under exceptional business as the Speaker may allow. Whenever the County Assembly meets for a special sitting under paragraph one, the Speaker shall specify the business to be transacted on the day or days appointed and the business so specified shall be the only business before the County Assembly during the special sitting, a forum which the County Assembly shall stand adjourned until the day appointed in the County Assembly's calendar.



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REPUBLIC OF KENYA

PARLIAMENT

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**NATIONAL ASSEMBLY BILLS**

*(Bill No. 35 of 2013)*

**THE PARLIAMENTARY SOCIETY BILL,  
2013**

(A Bill published in the Kenya Gazette Supplement No.149 of 2013 and passed by the National Assembly, with amendments, on October 7<sup>th</sup>, 2015)

N.A. /B/No. 149 /2013

*The Parliamentary Society Bill, 2013*

**THE PARLIAMENTARY SOCIETY OF KENYA ACT, 2013**

**ARRANGEMENT OF SECTIONS**

**PART I—PRELIMINARY**

*Section*

- 1—Short title.
- 2—Interpretation.
- 3—Object and purpose.

**PART II—ESTABLISHMENT OF THE PARLIAMENTARY  
SOCIETY OF KENYA**

- 4—Establishment of the Society.
- 5—Functions of the Society.
- 6—Board of the Society.
- 7—Tenure of office of Board members.
- 8—Conduct of business and affairs of the Board.
- 9—Powers of the Board.
- 10—Remuneration of members of the Board.
- 11—Chief Executive Officer of the Society.
- 12—Staff of the Society.
- 13—The common seal of the Society.
- 14—Protection of the Society from liability.
- 15—Registration of former members.
- 16—Annual general meeting.

**PART III—FINANCIAL PROVISIONS**

- 17—Sources of funds of the Society.
- 18—Financial year.
- 19—Annual estimates.
- 20—Accounts and audit.
- 21—Investment of funds.

**PART IV—PROVISIONS ON DELEGATED POWERS**

- 22—Regulations.

**SCHEDULE PROVISIONS AS TO THE CONDUCT OF  
BUSINESS AND AFFAIRS OF THE BOARD**

**THE PARLIAMENTARY SOCIETY OF KENYA  
BILL, 2013**

**AN ACT of Parliament to make provision for the establishment of the Parliamentary Society of Kenya; to provide for the participation of former members of parliament in the promotion of the ideals of parliamentary democracy; to promote networking amongst former members of Parliament; to facilitate their reintegration into professional life and for connected purposes**

**ENACTED** by the Parliament of Kenya, as follows—

**PART I—PRELIMINARY**

1. This Act may be cited as the Parliamentary Society of Kenya Act, 2013.

Short title.

2. In this Act, unless the context otherwise requires

Interpretation.

“Cabinet Secretary” means the Cabinet Secretary for the time being responsible for matters relating to planning;

“Chief Executive Officer” means the Chief Executive Officer of the Society appointed under section 11;

“counsellor” means a person who is registered as a counsellor under the Counsellors and Psychologists Act, No. 14 of 2014; 2014;

“former Member” means a person who has served as a member of the National Assembly or Senate; and

4. “Society” means the society established under section

3. The object and purpose of this Act is to provide a legal framework for the participation of former members in the promotion of the ideals of parliamentary democracy, promote networking amongst former members and facilitate their reintegration into professional life.

Object and purpose of this Act.

**PART II—ESTABLISHMENT OF THE  
PARLIAMENTARY SOCIETY OF KENYA**

4. (1) There is established a Society known as the Parliamentary Society of Kenya.

Establishment of the Society.

*The Parliamentary Society Bill, 2013*

(2) The Society is a body corporate with perpetual succession and a common seal and shall, in its corporate name, be capable of—

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

(3) There shall be a patron of the Society who shall be the immediate retired President.

5. The functions of the Society are to—

Functions of the Society.

- (a) facilitate the maintenance and promotion of the status and wellbeing of former Members of Parliament;
- (b) provide professional advice for retirement to former Members of Parliament;
- (c) facilitate public participation and lobbying of interest groups on matters of general public concern;
- (d) create a data bank for the professionals of former Members for purposes of appointment to various statutory institutions;
- (e) provide outreach programmes where former members of Parliament can visit and speak at universities, academies, schools and voluntary groups to give a clear idea as to how Parliament works;
- (f) develop and manage any project or enterprise that has as its object to make former members of Parliament capable of self support;
- (g) co-ordinate with other government and private institutions to ensure that former Members of Parliament in need of assistance access resources

and services appropriate to their needs;

- (h) engage competent professional advisors to counsel former Members of Parliament in need of professional counselling;
- (i) provide assistance to former Members of Parliament in need of assistance;
- (j) conduct research in matters relating to assistance of former Members of Parliament;
- (k) facilitate the provision of professional counselling services to former Members of Parliament; and
- (l) facilitate re-employment or re-training to former Members of Parliament.

6. (1) The Society shall be administered by a Board Board of the Society. comprising of—

- (a) a chairperson elected by former members from amongst their number;
- (b) the Principal Secretary in the Ministry for the time being responsible for finance;
- (c) three persons elected by Former Members from amongst their number;
- (d) one counsellor appointed by the Cabinet Secretary;
- (e) one member of the National Assembly nominated by the Assembly;
- (f) one senator nominated by the Senate;
- (g) the Clerk of the National Assembly;
- (h) the Clerk of the Senate; and
- (i) the Chief Executive Officer who shall be an ex-officio member and secretary to the Society.

(2) In appointing the members under paragraph (d) , the Cabinet Secretary shall—

*The Parliamentary Society Bill, 2013*

- (a) give preference to persons who are former members; and
- (b) have regard to gender balance, ethnic and regional diversity of the people of Kenya.

(3) The chairperson of the Board and members referred to in subsection (1) (c) shall be elected by Former Members who are members of the Society in such manner as may be prescribed.

7. The members of the Board shall hold office for a period of three years and shall be eligible for re-appointment subject to a maximum of two terms:

Tenure of office of Board members.

8. (1) The conduct and regulation of the business and affairs of the Board shall be as provided in the Schedule.

Conduct of business and affairs of the Board.

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

9. (1) The Board shall have all powers necessary for the proper performance of the functions of the Society under this Act.

Powers of the Board.

(2) Without prejudice to the generality of the foregoing, the Board shall have power to—

- (a) control, supervise and administer the assets of the Society in such manner as best promotes the purpose for which the Society is established;
- (b) receive any grants, gifts, donations or endowments and make legitimate disbursements there from;
- (c) levy fees for services rendered by the Society as may be determined from time to time by the Board;
- (d) open such banking accounts for the funds of the Society as may be necessary;
- (e) invest any funds of the Society not immediately required for its purposes in the manner provided in section 21; and
- (f) enter into association with such other bodies or organizations within or outside Kenya as it may

consider desirable or appropriate in furtherance or for the performance of its functions under this Act.

10. The members of the Board shall be paid such remuneration as may be approved by the Cabinet Secretary upon the advice of the Salaries and Remuneration Commission.

Remuneration of members of the Board.

11. (1) There shall be a Chief Executive Officer of the Society who shall be appointed by the Board.

Chief Executive Officer of the Society.

(2) The Chief Executive Officer shall hold office for such period and on such terms and conditions of employment as the Board may determine.

(3) The Chief Executive Officer shall be an *ex-officio* member of the Board but shall have no right to vote at any meeting of the Society.

(4) The Chief Executive Officer shall, subject to the direction of the Board, be responsible for the day to day management of the Society.

12. The Board may employ such staff as may be necessary for the proper and efficient discharge of the functions of the Society under this Act, upon such terms and conditions of service as the Board may determine upon the advice of the Salaries and Remuneration Commission.

Staff of the Society.

13. (1) The common seal of the Society shall be kept in the custody of the Chief Executive Officer or of such other person as the Board may direct, and shall not be used except upon the order of the Board.

The common seal of the Society.

(2) The common seal of the Society, when affixed to a document and duly authenticated, shall be judicially and officially noticed, and unless the contrary is proved, any necessary order or authorization by the Board under this section shall be presumed to have been given.

(3) The common seal of the Society shall be authenticated by the signature of the Chairperson of the Board and the Chief Executive Officer.

*The Parliamentary Society Bill, 2013*

(4) In the absence of either the Chairperson or the Chief Executive Officer, in any particular matter, the Board may nominate one member of the Board to authenticate the seal of the Society on behalf of either the Chairperson or the Chief Executive Officer.

14. Liability shall not attach to the Society, or to any of its staff, or to a member of the Society for loss or damage sustained by any person as a result of any act or omission done or made in good faith and without negligence in the performance or exercise or the intended performance or exercise of any duty or power imposed or conferred by or under this Act.

Protection of the Society from liability.

15. (1) Every person eligible as a former member may apply in the prescribed form to the Board for registration, and every such application shall be accompanied by the prescribed fee.

Registration of former members.

(2) Where a person has complied with the provisions of subsection (1) and has been accepted by the Board as being eligible for registration and has satisfied the Board that he has been so accepted, he shall be registered.

(3) Subject to the provisions this Act, every member of the Society shall pay the Society such annual subscription as may be prescribed from time to time.

16. The Board shall, within twelve weeks after the 31<sup>st</sup> December in each year, convene an ordinary general meeting of the Society.

Annual general meeting.

**PART III—FINANCIAL PROVISIONS**

17. (1) The sources of funds of the Society shall be—

Sources of funds of the Society.

- (a) such monies as may be appropriated by Parliament for the purposes of the Fund;
- (b) such monies as may be payable to the Society pursuant to this Act or any other written law;
- (c) such monies or assets as may accrue to or vest in the Society in the course of the exercise of its

powers or performance of its functions under this Act;

- (d) any funds provided by bilateral or multilateral donors, for the purpose of the Society;
- (e) gifts, grants, donations or endowments as may be given to the Society; and
- (f) monies from any other source provided for the Society.

18. The financial year of the Society shall be the period of twelve months ending on the thirtieth of June in each year.

Financial year.

19. (1) At least three months before the commencement of each financial year, the Board shall cause to be prepared estimates of the revenue and expenditure of the Society for that financial year.

Annual estimates

(2) The annual estimates shall make provisions for all estimated expenditure of the Society for the financial year concerned, and in particular shall provide for the—

- (a) payment of allowances and other charges in respect of members of the Board;
- (b) payment of salaries, allowances and other charges in respect of the staff of the Society;
- (c) payment of pensions, gratuities and other charges in respect of staff of the Society;
- (d) proper maintenance of the assets of the Society; and
- (e) creation of such reserve funds to meet future or contingent liabilities in respect of retirement benefits, insurance, replacement of buildings or equipment, or in respect of such other matters as the Board may deem fit.

(3) The annual estimates shall be approved by the Board before the commencement of the financial year to which they relate and shall be submitted to the Cabinet Secretary for approval and after the Cabinet Secretary's approval, the Board shall not increase the annual estimates of the Society without the consent of the Cabinet Secretary.

*The Parliamentary Society Bill, 2013*

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

Accounts and audit.

(2) Within a period of four months from the end of each financial year, the Board shall submit to the Auditor-General or to an auditor appointed under this section, the accounts of the Society together with-

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

(3) The accounts of the Society shall be audited and reported upon in accordance with the Public Audit Act, 2003.

No.12 of 2003

21. The Board may invest any of the funds of the Society in securities, in which for the time being trustees may by law invest trust funds, or in any other securities or banks which the Treasury may, from time to time, approve for that purpose.

Investment of funds.

**PART IV—PROVISIONS ON DELEGATED POWERS**

22. (1) The Cabinet Secretary may, on recommendation of the Society, make regulations generally or the better carrying into effect the provisions of this Act.

Regulations.

(2) Without prejudice to the generality of subsection (1), the regulations may—

- (a) prescribe the manner in which the Society may facilitate professional counselling of former Members of Parliament;
- (b) prescribe the manner in which the Society may facilitate public participation and lobbying of interest groups on matters of general public concern;
- (c) prescribe the manner in which the Society may develop and manage any project or enterprise whose object is to make former Members of Parliament capable of self-support;
- (d) prescribe the manner in which the Society may facilitate re-employment or re-training of former Members of Parliament; and

- (e) provide for any other matter required under the Constitution, this Act or any other written law.
- (3) For the purposes of Article 94(6) of the Constitution—
  - (a) the purpose and objective of the delegation under this section is to enable the Cabinet Secretary to make regulations to provide for the better carrying into effect of the provisions of this Act and to enable the Board to discharge its functions more effectively;
  - (b) the authority of the Cabinet Secretary to make regulations under this Act will be limited to bringing into effect provisions of this Act and to fulfillment of the objectives specified under this section;
  - (c) the principles and standards applicable to the regulations made under this section are those set out in the Interpretation and General Provisions Act (Cap 2) and the Statutory Instruments Act, 2013.

#### SCHEDULE

8(2)

#### PROVISIONS AS TO THE CONDUCT OF BUSINESS AND AFFAIRS OF THE BOARD

1. A member of the Board, other than an *ex-officio* member, may—

Vacation of office.

- (a) at any time resign from office by notice in writing to the Cabinet Secretary;
- (b) be removed from office by the Cabinet Secretary if the member—
  - (i) has been absent from three consecutive meetings of the Board without the permission of the chairperson;
  - (ii) is convicted of a criminal offence and sentenced to imprisonment for a term exceeding six months or to a fine exceeding ten thousand shillings;

*The Parliamentary Society Bill, 2013*

- (iii) is convicted of an offence involving dishonesty or fraud;
- (iv) is adjudged bankrupt or enters into a composition scheme or arrangement with his creditors; or
- (v) is incapacitated by prolonged physical or mental illness or is deemed otherwise unfit to discharge his duties as a member of the Board.

2. (1) The Board shall meet not less than four times in every financial year and not more than four months shall elapse between the date of one meeting and the date of the next meeting.

Meetings.

(2) Notwithstanding the provisions of subparagraph (1), the Chairperson may, and upon requisition in writing by at least six members shall, convene a special meeting of the Board at any time for the transaction of the business of the Board.

(3) Unless three quarters of the total members of the Board otherwise agree, at least fourteen days' written notice of every meeting of the Board shall be given to every member of the Board.

(4) The quorum for the conduct of the business of the Board shall be seven members including the chairperson or the person presiding.

(5) The chairperson shall preside at every meeting of the Board at which he is present but, in his absence, the members present shall elect one of their numbers to preside, who shall, with respect to that meeting and the business transacted thereat, have all the powers of the chairperson.

(6) Unless a unanimous decision is reached, a decision on any matter before the Board shall be by a majority of votes of the members present and voting and, in the case of an equality of votes, the chairperson or the person presiding shall have a casting vote.

(7) Subject to subparagraph (4), no proceedings of the Board shall be invalid by reason only of a vacancy among the members thereof.

3. The Board may establish such committees as may be necessary for the performance of the functions of the Board and may, subject to the provisions of this Act, delegate

Committees of the Board.

powers conferred on it to any such committee.

4. (1) If a member is directly or indirectly interested in any contract, proposed contract or other matter before the Board and is present at a meeting of the Board at which the contract, proposed contract or other matter is the subject of consideration, that member shall, at the meeting and as soon as practicable after the commencement thereof, disclose the fact and shall not take part in the consideration or discussion of, or vote on, any questions with respect to the contract or other matter, or be counted in the quorum of the meeting during consideration of the matter.

Disclosure of interest by Board members.

(2) If the majority of the members present are of the opinion that the experience or expertise of such member is vital to the deliberations of the meeting, the Board may permit the member to participate in the deliberations subject to such restrictions as it may impose but such member shall not have the right to vote on the matter in question.

(3) A member of the Board who contravenes subparagraph (1) commits an offence and is liable to imprisonment for a term not exceeding six months, or to a fine not exceeding one hundred thousand shillings, or both.

5. Any contract or instrument which, if entered into or executed by a person not being a body corporate, would not require to be under seal, may be entered into or executed on behalf of the Board by any person generally or specially authorized by the Board for that purpose.

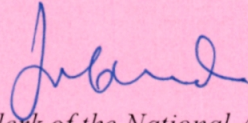
Execution of instruments.

6. The Board shall cause minutes of all resolutions and proceedings of meetings of the Board to be entered in books kept for that purpose.

Minutes.

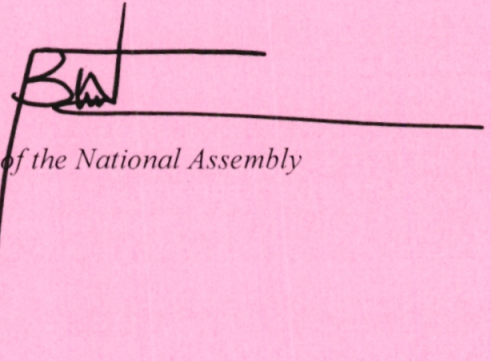
*The Parliamentary Society Bill, 2013*

I certify that this printed impression is a true copy of the Bill passed by the National Assembly on the 7<sup>th</sup> of October, 2015



*Clerk of the National Assembly*

Endorsed for presentation to the Senate in accordance with the provisions of Standing Order 142 of the National Assembly Standing Orders.



*Speaker of the National Assembly*