



LAWS OF KENYA

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**OFFICES OF MINISTER ACT**

No. 3 of 2010

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**NO. 3 OF 2010**

**OFFICES OF MINISTER ACT**

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SCHEDULE – OFFICES OF MINISTER OF THE GOVERNMENT OF KENYA

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**NO. 3 OF 2010**

**OFFICES OF MINISTER ACT**

*[Date of assent: 16th June, 2010.]*

*[Date of commencement: 18th June, 2010.]*

**An Act of Parliament to establish the offices of Minister of the Government of Kenya, to provide for the appointment thereto and functions and for connected purposes**

**PART I – PRELIMINARY**

**1. Short title**

This Act may be cited as the Offices of Minister Act, 2010.

**2. Interpretation**

In this Act, unless the context otherwise requires—

“**Minister**” means a person holding the office of a Minister of the Government of Kenya established under section 16 of the Constitution.

**PART II – ESTABLISHMENT OF OFFICES**

**3. Establishment of offices of Minister**

(1) There shall be a Prime Minister, two Deputy Prime Ministers and such offices of Minister of the Government of Kenya as are specified in the Schedule or as the President may establish in accordance with subsection (2).

(2) The President may establish such offices of Minister of the Government of Kenya of such number and type as the President may, with the approval of the National Assembly, determine.

(3) The offices of Minister established under this section including the offices of Prime Minister and the two Deputy Prime Ministers shall not be less than fifteen nor exceed twenty-four.

(4) The President shall appoint the Vice-President from among the Ministers established by this section.

(5) The Ministerial portfolio of the Prime Minister shall be as assigned by the Constitution.

(6) The President shall appoint each Deputy Prime Minister to be a Minister in charge of one of the offices of Minister specified in the Schedule or established under subsection (2), as the case may be.

**4. Qualifications for appointment to offices of Minister**

(1) No person shall be appointed to the office of a Minister unless such a person—

- (a) is a Member of Parliament;

- (b) is a holder of at least a university degree or its equivalent;
- (c) is a person of integrity;
- (d) has not been convicted of corruption or an economic crime within the meaning of the Anti-Corruption and Economic Crimes Act, 2003 (No. 3 of 2003).

(2) No more than one person may be appointed to hold one office of Minister at the same time.

### PART III – RESPONSIBILITIES OF MINISTERS

#### 5. Responsibilities of Ministers

A Minister shall be responsible for—

- (a) any of the business of Government of Kenya as may be assigned by the Constitution or by the President under section 18 of the Constitution;
- (b) policy formulation for the Ministry of which he or she is responsible;
- (c) the administration of such legislation as may be entrusted by Parliament or, if not entrusted by Parliament, by the President;
- (d) provision to Parliament of such information and reports concerning matters under the Minister's control as Parliament may require.

#### 6. Temporary transfer of functions

(1) The President may, by notice in the *Gazette*, transfer to a particular Minister all or any of the functions of another Minister who is absent from office or who is otherwise unable to perform that function.

(2) A transfer made under this section shall be for a period not exceeding ninety consecutive days.

### PART IV – MISCELLANEOUS

#### 7. Code of conduct and ethics

(1) The President shall, by notice in the *Gazette*, prescribe a code of conduct and ethics for Ministers and Assistant Ministers.

(2) Nothing in this section shall be construed so as to derogate from the provisions of the Public Officer Ethics Act, 2003 (No. 4 of 2003).

#### 8. Transitional

This Act—

- (a) shall not apply during the term of the Parliament in which it is passed;
  - (b) shall, subject to the Constitution, apply to all appointments of Ministers in the Parliament immediately following the Parliament in which it is passed.
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SCHEDULE

[Section 3(1).]

OFFICES OF MINISTER OF THE GOVERNMENT OF KENYA

1. Minister for Agriculture, Fisheries and Livestock Development.
  2. Minister for Provincial Administration and National Security.
  3. Minister for East African and Regional Co-operation.
  4. Minister for Education, Science and Technology.
  5. Minister for Energy and Mineral Resources.
  6. Minister for Finance, Planning, Co-operative Development and Regional Authorities.
  7. Minister for Foreign Affairs.
  8. Minister for Health.
  9. Minister for Home Affairs, Gender, Children and Social Services.
  10. Minister for Transport, Information and Communications.
  11. Minister for Labour and Immigration.
  12. Minister for Lands, Environment and Forestry.
  13. Minister for Local Government, Development of Metropolis and Housing.
  14. Minister for Northern Kenya Development.
  15. Minister for Roads and Public Works.
  16. Minister for Sports, Youth, Culture and National Heritage.
  17. Minister for Tourism and Wildlife.
  18. Minister for Trade and Industry.
  19. Minister for Water and Irrigation.
  20. Minister for Justice, Constitutional Affairs and National Cohesion.
  21. Three other offices of Minister, as the President may consider appropriate.
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