LEGAL NOTICE No. 65

THE PARLIAMENTARY SERVICE ACT
(Cap. 185A)

IN EXERCISE of the powers conferred by section 36 of the Parliamentary Service Act, the Parliamentary Service Commission makes the following Regulations:—

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

PART I—GENERAL PROVISIONS

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

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

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

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

“landlord” for purposes of these Regulations includes landlord;

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

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

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

PART II—PROVISION OF OFFICES TO MEMBERS OF PARLIAMENT

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

4. Where the Clerk certifies that an office is not available for a Member of Parliament within the precincts of Parliament, the Clerk shall authorize the Member of Parliament to identify for leasing an office within the County of Nairobi for temporary use by the Member until such time as an office is availed for the Member within the precincts of Parliament.
5. A Member of Parliament shall not be entitled to use leased office premises under these Regulations if an office has been made available for the use of the Member within the precincts of Parliament.

PART III—OFFICE RENTAL

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

7. Renting of offices shall not be permitted where the proposed office is—
   (a) in a building owned by a Member of Parliament or the Member’s close relative;
   (b) in a building where the Member has direct financial interest; or
   (c) in the Member’s home.

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

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

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

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

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

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

   (2) Upon receipt of a complaint pursuant to sub-regulation (1), the Member or the Commission, as the case may be, shall investigate the complaints and take action as it deems appropriate.
14. The Parliamentary Service Commission may provide such furniture, services and equipment as it may consider necessary for the Member's office.

Made on the 5th April, 2013.

JUSTIN MUTURI,
Speaker of the National Assembly/
Chairman, Parliamentary Service Commission.