

14th March, 2014

LEGAL NOTICE No. 29

THE PARLIAMENTARY SERVICE ACT
(No. 10 of 2000)

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 (PARLIAMENTARY FUND) REGULATIONS, 2014

Citation.

1. These Regulations may be cited as the Parliamentary Service (Parliamentary Fund) Regulations, 2014.

Interpretation. No 18 of 2002

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

"Accounting Officer" means the Clerk of Senate

"Commission" means the Parliamentary Service Commission established under Article 127 of the Constitution.

"Fund" means the Parliamentary Fund established under section 24(1) of the Public Finance Management Act, 2012.

Application and enforcement.

3. (1) These Regulations shall apply to all matters relating to the financial management of the Fund.

(2) The administration of these Regulations is vested in the Accounting Officer subject to the right of any person aggrieved by any decision of the Accounting Officer to refer the matter to the Commission for re-consideration.

(3) The Accounting Officer may delegate his or her powers conferred by these Regulations to the Heads of Services or to any other officer of the Commission, as he or she may deem fit.

Use of the Fund.

4. The moneys of the Fund shall be—

(a) utilized in accordance with the provisions of the yearly Finance Act;

(b) spent in conformity with the decisions of the Commission;

(c) exclusively and prudently used for the expenditures of Parliament in accordance with the appropriations made in its budget.

Preparation of the budget.

5. (1) For each financial year, the Accounting Officer shall prepare a budget of Parliament which shall—

- (a) cover all incomes, expenditures and activities of Parliament for the financial year;
- (b) be divided into vote, sub-vote, heads and items according to their nature and affinity;
- (c) be accompanied by any annexes, explanatory notes and any relevant statements; and
- (d) juxtapose the allocations for the preceding financial year with the estimates for the current year together with projected allocations for the next financial year.

(2) The Accounting Officer shall prepare and submit to the Commission the budget referred to in paragraph (1) on or before the 31st March of each financial year.

(3) The Chairman of the Commission shall submit the budget referred to in paragraph (1) to the National Assembly at least one day before the national budget is presented to the National Assembly.

(4) Upon approval by the National Assembly, the expenditure of the Parliamentary Service Commission shall be a charge on the Consolidated Fund and the funds shall be paid directly into the Parliamentary Fund.

(5) All money received from any other source shall be paid directly into the fund.

Approval of budget and authorization of expenditure.

6. The budget of Parliament shall be approved by the National Assembly before any moneys from the Fund are expended. The appropriations approved by the National Assembly shall constitute the required authorization for the Accounting Officer to incur obligations and expenditures for the purposes for which the appropriations have been approved and for the amounts so voted.

Authority to incur obligation.

7. The Accounting Officer shall have authority to incur obligations and expenditures chargeable to the Fund, but such authority shall be exercised in accordance with the general directions of the Commission.

Authority to incur expenditure.

8. The Accounting Officer shall administratively issue an authority to incur expenditure to any officer of the Commission but the authority so issued shall be accompanied by guidelines stipulating how the authority to incur expenditure shall be utilized.

Availability of appropriation.

9. (1) All appropriations approved by the National Assembly shall-

(a) be available for meeting obligations of Parliament for the financial year to which they relate;

(b) remain available for a period of three months following the end of the financial year to which they relate if they are required to discharge pending obligations in respect of goods supplied and services rendered for that ended financial year.

(2) Any funds not utilized after the expiry of three months after the end of the financial year shall be deposited in the Fund.

Obligations to the Fund.

10. The Fund shall not incur any financial obligation unless such obligation—

(a) is based on contract, purchase order, local service order, agreement or other form of understanding entered into between Parliament and another body;

(b) is incurred after appropriations have been approved by the National Assembly;

(c) has been transferred from the previous financial year in which it had remained unliquidated.

Budgetary appropriations and report.

11. The Accounting Officer shall—

(a) be responsible to the Commission for ensuring that budgetary allocations are not exceeded and are only utilized for the purposes for which they were approved and may, on adequate grounds, disallow any proposal for unjustifiable expenditure;

(b) submit to the Commission a semi-annual budget performance report indicating the budgetary appropriations, actual expenditures, commitments and explanations for over-expenditure or under-expenditure of funds for the period to which the report relates and may at any time demand quarterly budget performance reports from officers of the Commission charged with financial responsibility.

Procurement. Cap. 412C L.N 174/2006.

12. Subject to these Regulations, procurement by Parliament shall be done in accordance with the Public Procurement and Disposal Act, the Public Procurement and Disposal Regulations or any other written law on procurement.

Duties of officers.

13. It shall be the duty of the Head of Finance, the Chief Accountant, the Chief Procurement Officer and the Auditor-in-charge to submit to the Accounting Officer all

appropriate documents, explanations or justifications in support of expenditures and proposed obligations.

Loss of cash or property.

14. Loss of cash or any property of Parliament shall immediately be reported to the Accounting Officer, who shall initiate investigation thereon and where necessary, contact the Police for assistance.

Loss of stores.

15. If loss of any cash, stores, assets or equipment of Parliament is reported—

(a) the Accounting Officer shall launch an investigation into the loss and that investigation may lay responsibility of the loss to an officer of Parliament;

(b) an officer held responsible for any such loss may be required to reimburse the loss either in full or partially and may be disciplined if the loss arose out of misappropriation on the part of the officer;

(c) the Accounting Officer may recommend the writing-off of an asset where nobody has been held responsible for such loss;

(d) the Commission, after full investigation of each case, may authorize the writing-off of losses or such other adjustments to Parliament's records as may be necessary to bring the stock balances to be in conformity with the actual quantities;

(e) any investigations and remedy adopted pursuant thereto shall be executed within the financial year in which the loss is incurred and in any event not later than three months after the expiration of that financial year.

Waiver of liability.

16. No amount of money due to Parliament may be waived except with the prior authorization by the Commission in which case the Commission shall indicate the name of the persons or organizations benefiting from the waiver and the circumstances that justified the waiver.

Loss of Parliament's assets.

17. All equipment and other property of Parliament issued on loan to any person shall be recorded in a log book maintained by the Accounts Controller which log book shall show the date the loan was made, the terms and conditions of the loan and the name and signature of the borrower.

Bank accounts.

18. (1) The Commission shall open and maintain, in Nairobi, such bank accounts as may be necessary for the exercise of its functions,

(2) The bank accounts referred to in sub regulation (1) shall be closed only with the approval of the Commission.

(3) Separate ledger accounts shall be maintained for each bank account held by the Commission.

(4) The Chief Accountant shall demand from the banks monthly bank statements, which shall, where applicable, be accompanied by withdrawal instructions and debit and credit advice.

(5) The Chief Accountant shall reconcile each bank account monthly and give the two Clerks of Parliament and the Head of the joint services detailed information on the reconciled accounts.

Receipts of moneys.

19. All monies due, to Parliament shall only be received by the Chief Accountant or their designated alternates and official receipts shall be issued for all such moneys received.

Deposit of receipts in bank.

20. (1) The Chief Accountant shall record in the books of account all receipts on the day the remittance is received and deposit such receipts in the bank not later than the close of the next working day.

(2) All monies not deposited in a bank account as required in sub-regulation (1) shall be kept in an official safe installed at the cash office for that purpose.

Petty cash fund.

21. (1) The Accounting Officer may establish a petty cash fund whose total float shall not exceed one million shillings a month.

(2) The fund established under sub-regulation (1) shall—

(a) be maintained by the cashiers on the imprest system and shall be kept in safe custody;

(b) be fixed and its total cash float shall not be varied without the prior approval of the Accounting Officer.

(3) All petty cash requests shall be approved by the Accounting Officer or his or her designated officer.

(4) The internal auditor shall regularly spot-check the petty cash, document his or her findings and report any anomalies in the petty cash float to the Accounting Officer.

(5) No officer shall be advanced more than one hundred thousand shillings from the petty cash fund per request.

Cash Advances.

22. (1) All salary and other cash advances to members and Cash Advances staff of the Commission shall be authorized by the Accounting Officer.

(2) No contract or purchase order shall be made on behalf of the Commission requiring payment in advance of delivery of goods or performance of services except with the prior permission of the Accounting Officer and the reasons for accepting the advance payment shall be reported to the Commission.

(3) No officer of the Commission shall advance, lend or exchange any sum of which he is answerable to the Accounting Officer except with the prior permission of the Accounting Officer.

Payments from the Fund.

23. (1) Every obligation or proposal to incur expenditure from the Fund or any other special fund of the Commission, shall require prior approval by the Accounting Officer before the expenditure is so incurred.

(2) Payment from the Fund shall only be made—

(a) on the basis of duly certified supporting vouchers and other documents indicating that the goods or services in respect of which the payment is made have been received in accordance with the documents establishing the obligations; and

(b) after the Chief Accountant has ensured that the payment has not previously been made and that he has no knowledge of any information that would bar the making of the payment.

(3) The Accounting Officer in consultation with the head of Accounting Unit shall designate signatories to the bank accounts of the Commission.

(4) The Chief Accountant shall be responsible for registering cheques and ensuring safe custody of the cheques and counterfoils as evidence of payment.

(5) The Accounting Officer shall approve all payments before they are made.

(6) All cheque payments against invoices shall be made by a crossed cheque worded "Account Payee only".

(7) All cheques shall be endorsed by at least three signatories.

(8) Any alteration on a cheque shall be counter-signed by at least one signatory provided that no alteration shall be permitted in the name of the payee in which case the cheque must be cancelled and a replacement cheque issued thereof.

(9) No cheque shall be issued against a duplicate voucher or invoice but the Accounting Officer may dispense with this requirement in any case where he finds it necessary in

which case duly certified copies of the voucher or invoice and a letter of indemnity by the supplier shall suffice.

Payment of salaries.

24. (1) The staff of Parliament shall only be engaged under the written authority of the Commission based on approved positions and approved appropriations in the budget.

(2) Salaries shall be paid at least five days to the end of the month.

(3) The salaries paid shall be based on the Commission scales and other conditions of service as determined by the Commission.

(4) All posts in the Parliamentary Service shall be classified by title and salary scale in accordance with the duties and responsibilities under each post as established by the Commission.

(5) The first appointment to all posts in the Parliamentary Service shall be at the first step of the appropriate salary scale.

(6) All statutory deductions made by the Commission on the salaries of staff shall be promptly remitted to the relevant authorities and schemes.

Salary advances.

25. (1) Salary in advance may be granted to cover a period of approved local or official travel if the staff member is scheduled to be away from the duty station on the payday.

(2) The Accounting Officer may, in exceptional cases and upon a proper written application, authorize the payment to a staff member of a salary advance of one month's basic salary excluding all allowances.

(3) Any salary advance granted to a staff member under sub-regulation (2) shall be deducted from the staff member's salary commencing the second month following the day on which the advance was given and the deduction shall be spread equally over a period not exceeding twelve months.

(4) Any outstanding salary advances at the time of resignation, retirement, termination, dismissal or death shall be recovered from any salary or pension or other benefits due to the member of staff or his beneficiaries as the case may be.

Repeal of L.N. 76 of 2005

26. The Parliamentary Service (Financial Procedures) Regulations, 2005, are repealed.

Dated the 3rd March, 2014.

JUSTIN MUTURI,
Chairman,
Parliamentary Service Commission.