LEGAL NOTICE NO. 103

THE PUBLIC FINANCE MANAGEMENT ACT
(No. 18 of 2012)

IN EXERCISE of the powers conferred by section 36 of the Parliamentary Service Act and section 24(2A) of the Public Finance Management Act, 2012, the Parliamentary Service Commission makes the following Regulations—

THE PUBLIC FINANCE MANAGEMENT (PARLIAMENTARY CATERING FUND) REGULATIONS, 2019

1. These Regulations may be cited as the Public Finance (Parliamentary Catering Fund) Regulations, 2019.

2. In these Regulations, unless the context otherwise requires—
   “catering facility” means facilities set aside to offer restaurant, bar and incidental services;
   “Commission” means the Parliamentary Service Commission established under Article 127 of the Constitution;
   “Committee” means the Catering Fund Management Committee established under regulation 5;
   “financial year” means the period of twelve months ending on the 30th June in each year;
   “Fund” means the Parliamentary Catering Fund established under Regulation 3;
   “officer administering the Fund” means the Clerk of the National Assembly; and
   “Member” means a Member of Parliament or a former Member of Parliament.

3. There is established a Fund to be known as the Parliamentary Catering Fund which shall vest in and be operated and managed by the Committee.

4. The object of the Fund shall be to provide for the purchase of catering equipment, management and administration of catering facilities.

5. (1) The capital of the Fund shall consist of—
   (a) monies standing to the credit of the account on the date of coming into operation of these Regulations; and
(b) monies appropriated by Parliament to the Fund;

(2) The Fund shall be administered as a special account in the Parliamentary Fund and shall be operated by the officer administering the Fund.

(3) Monies accruing to the Fund shall, where such monies constitutes a surplus after meeting the requirements of regulation 10 shall be credited to the capital of the Fund.

6. (1) There is established a Committee to be known as the Catering Fund Committee, which shall consist of—

(a) the chairperson of the Members' Welfare Committee of the Commission;

(b) the chairperson of the Staff Welfare Committee of the Commission;

(c) one member of the Commission not being the chairperson of the Members' Welfare Committee or Chairperson of the Staff Welfare Committee of the Commission;

(d) the Majority Whip of the National Assembly and in his or her absence, the Deputy Majority Whip;

(e) the Minority Whip of the National Assembly and in his or her absence, the Deputy Minority Whip;

(f) the Majority Whip of the Senate and in his or her absence, the Deputy Majority Whip;

(g) the Minority Whip of the Senate and in his or her absence, the Deputy Minority Whip; and

(h) the Clerk of the Senate.

(2) The Clerk of the National Assembly shall be the Officer Administering the Fund and the secretary to the Committee.

(3) The meetings of the Committee shall be convened by the chairperson or in the absence of the chairperson, by a member designated by the chairperson and shall be convened at such times as may be necessary for the discharge of the Committee's functions.

(4) The quorum for a meeting of the Committee shall be the chairperson and any three members.

7. The Committee shall administer the Fund and shall—

(a) recommend conditions on use of any monies in the Fund;

(b) ensure that the monies accruing from the catering facility are used in such a manner as it deems fit; and

(c) advice the Commission on consultancy and outsourcing of the catering facilities.

8. (1) The officer administering the Fund shall subject to the directions of the Committee—

(a) supervise and control the administration of the Fund;
(b) utilize the monies accruing thereto to defray operating expenses, and may impose any reasonable restriction or other requirements concerning such use;

(c) cause to be kept books of accounts and other books and records in relation to the Fund;

(d) prepare, sign and transmit to the Auditor General in respect of each financial year and within three (3) months after the end thereof, a statement of accounts relating to the Fund, prepared and signed by him or her specifying the income of the Fund and showing the expenditure incurred from the Fund, in such details as the Commission may from time to time direct in accordance with the Public Finance Management Act; and

(e) designate and appoint such staff as may be necessary to assist him or her in the administration of the Fund and may require such staff to carry out such inspections as may be necessary to verify any information submitted under these Regulations.

(2) Every statement of account prepared under this regulation shall include details of the balances between the assets and liabilities of the Fund and shall indicate the financial status of the Fund as at the end of the financial year concerned.

(3) The Committee shall ensure that the monies accruing from catering facilities are used in such a manner as is deemed just and fit.

(4) The officer administering the Fund shall ensure that there is prudence in administration of the Fund.

9. (1) A Member desiring to be a member of the Fund shall apply to the Committee for membership upon payment of a prescribed fee.

(2) The Committee shall prescribe fees payable by a member under paragraph (1).

10. The Committee shall ensure that all the expenditure incurred and the monies realized therein shall be used in—

(a) purchasing goods for supply to the members' catering facility in Parliament;

(b) purchasing equipment for improvement of the catering facility;

(c) providing catering staff training in compliance with the hospitality industry practices; and

(d) providing catering facilities in compliance with the hospitality industry practices; and

(e) defraying utility bills such as electricity and water bills.

11. (1) The officer administering the Fund shall establish a catering payment system for the services offered at the catering facility and which shall include card or mobile money payments and monthly deductions but shall not include cash payments.

(2) Where a member choses a monthly deduction, the prepared of the daily sales to the member shall be summarized on a monthly basis, duly checked by the Catering Manager and forwarded to the officer administering the Fund for final authorization to the payroll department.
(3) Members shall be required to sign their bills promptly to avoid undue delay in effecting payments and unwarranted financial embarrassment.

(4) A pay bill transaction account shall be created for each member and their visitors.

(5) The Committee shall have the discretion to withdraw its services from members until all the bills are paid up.

12. (1) For purposes of disbursement of funds under these Regulations, there shall be opened and maintained a bank account in a commercial bank approved by the Commission.

(2) The bank account contemplated paragraph (1), shall be separate from that of the Commission.

(3) The signatories to the Fund account under paragraph (1), shall be the officer administering the Fund and two other persons authorized by the Commission from amongst the staff of the Commission.

13. (1) The officer administering the Fund shall be responsible for the maintenance of proper books of accounts and the preparation of annual financial statements which shall include—

(a) an income and expenditure account;

(b) a statement of financial position; and

(c) a statement of cash flows.

(2) The officer administering the Fund shall ensure that the accounts of the Fund and the annual financial statements relating to those accounts comply with the prescribed accounting standards.

(3) The officer administering the Fund shall cause to be prepared quarterly returns and financial statements to be submitted to the Commission.

14. (1) The Commission may, if it considers it appropriate and upon advice by the Committee engage such experts or consultants to assist in the discharge of the functions of the Fund upon such terms and conditions as the Committee may determine.

(2) The Commission may outsource catering facilities upon such terms and conditions as the Committee may determine.

15. (1) The Public Procurement and Assets Disposal Act, 2015 and regulations shall guide the procurement of goods and services.

(2) Subject to paragraph (1), the Commission shall establish a catering management system to aid in the procurement and sale of alcoholic drinks and soft drinks.

16. The annual financial statements of the fund shall be subject to audit by the Auditor General in accordance with Articles 226 and 229 of the Constitution of Kenya and the Public Audit Act 2015.

Dated the 24th June, 2019.

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