

SPECIAL ISSUE

Kenya Gazette Supplement No. 32 (National Assembly Bills No. 11)



**NATIONAL COUNCIL FOR
LAW REPORTING
LIBRARY**

REPUBLIC OF KENYA

KENYA GAZETTE SUPPLEMENT

NATIONAL ASSEMBLY BILLS, 2014

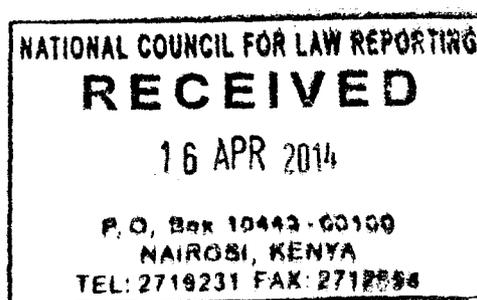
NAIROBI, 21st March, 2014

CONTENT

Bill for Introduction into the National Assembly—

PAGE

The Order of Precedence Bill, 20141117



THE ORDER OF PRECEDENCE BILL, 2014
ARRANGEMENT OF SECTIONS

Sections

PART I—PRELIMINARY

- 1—Short title and commencement.
- 2—Interpretation.
- 3—Object and Purposes.

PART II— ORDER OF PRECEDENCE AND PROTOCOL

- 4—Order of Precedence.
- 5—Use of national flag and sirens.
- 6—Use of titles.

PART III— MISCELLANEOUS

- 7—Offences and penalties.
- 8—Rules.

THE ORDER OF PRECEDENCE BILL, 2014**A Bill for**

AN ACT of Parliament to provide for the Order of Precedence for officials at diplomatic, official and social state functions within Kenya and abroad and for connected purposes.

ENACTED by the Parliament of Kenya, as follows—

1. This Act may be cited as the Order of Precedence Act, 2014. Short title.

2. In this Act unless the context otherwise requires— Interpretation
 “Cabinet Secretary” means the Cabinet Secretary for the time being in responsible for matters relating to foreign affairs;

“Order of Precedence” means a list of officers arranged in their order of seniority or hierarchy in the Republic of Kenya;

“public officer” has the meaning assigned to it under Article 260 of the Constitution;

“siren” means an electronic device producing a loud, wailing sound as a signal or warning;

“state function” means any formal activity, organized by the national or county government, conducted on some solemn or important public or state occasion;

“state officer” has the meaning assigned to it under Article 260 of the Constitution.

3. The objects and purposes of this Act are to— Objects and purposes.

- (a) maintain public order and decorum at national functions and social engagements of the Government of Kenya;
- (b) promote a national culture of respect, orderliness and discipline for public officials;
- (c) facilitate the good governance of the Republic of Kenya;
- (d) act as a guide for the Salaries and Remuneration Commission in determining the remunerations, salaries and allowances for State Officers in accordance with Article 230 of the Constitution.

**PART II- ORDER OF PRECEDENCE AND
 PROTOCOL**

4. (1) There is established an Order of Precedence for the holders of the following State officers and public Order of Precedence.

offices in the following hierarchy-

- (a) the President;
- (b) the Deputy President;
- (c) the Speakers of Parliament;
- (d) the Chief Justice;
- (e) the Leader of Majority/Leader of Minority of Parliament;
- (f) Members of Parliament;
- (g) County Governors;
- (h) Justices of the Supreme Court;
- (i) Judges of the Court of Appeal;
- (j) Former Presidents of Kenya;
- (k) Former Vice Presidents, Deputy Presidents and Prime Ministers;
- (l) Ambassadors and High Commissioners of Foreign Missions in Kenya;
- (m) Cabinet Secretaries and Attorney-General;
- (n) Principal Secretaries;
- (o) Chief of the Kenya Defence Forces;
- (p) Inspector General of the National Police Service;
- (q) Director General of the National Intelligence Service;
- (r) Chairpersons of constitutional commissions.

(2) The Order of Precedence shall be used to—

- (a) determine and rank State Officers and public officers;
- (b) develop seating charts, programmes and the order in which government officials deliver addresses at all state functions;
- (c) any other matters of protocol at state and public functions.

Procedure for the presenting petition..

(3) The Order of Precedence does not in any way or form impute a succession of duties, or reflect the presidential line of succession or affect the status of the arms or branches of government under the Constitution.

5. (1) Notwithstanding the provisions of any other law to the contrary, the following State officers shall be entitled to use the national flag and sirens on their motorcades and processions—

Use of national flag and sirens.

- (a) the President;
- (b) the Deputy President;
- (c) the Speakers of Parliament;
- (d) the Chief Justice.

(2) A person, other than those listed in subsection (1), who uses the national flag on a motor vehicle commits an offence, and shall be liable on conviction to a fine of not less than one million shillings and not more than two million shillings, or to imprisonment for a term not less than twelve months, or both.

6. (1) For purposes of public address the following titles shall be used to refer to the following persons—

Use of titles.

- (a) the President shall be referred to as “His Excellency”;
- (b) the Deputy President shall be referred to as “His Excellency the Deputy President”;
- (c) the Speaker of Parliament shall be referred to as “The Right Honourable Speaker of Parliament”;
- (d) the Chief Justice shall be referred to as “Your Lordship the Chief Justice”;
- (e) Members of Parliament shall be referred to as “Honourable”;
- (f) the Governor of a county shall be referred to as “the Governor”;
- (g) Judge of the Superior Court shall be referred to as “Your Lordship”;
- (h) Chairperson of Commissions shall be referred to as “Mr., Mrs. or Ms.”;
- (i) Spouse of the President shall be referred to as “Her Excellency the First Lady”;
- (j) Spouse of the Deputy President shall be referred to as “Her Excellency”.

(2) A person who uses a title in contravention of subsection (1) commits an offence and shall be liable on

Consideration of petition

conviction to a fine of not less than one million shillings and not more than two million shillings, or to imprisonment for a term not less than twelve months, or both.

PART III-MISCELLANEOUS

7. (1) If any state or public officer acts in contravention of the provisions of this Act, either through his or her disobedience, disregard, abuse, neglect or negligence, the state or public officer commits an offence and shall be liable on conviction to a fine not less than one million shillings and not more than two million, or to imprisonment for a term not less than twelve months, or both such fine and imprisonment.

Offences and penalties

(2) Any other person other than a state or public officer who contravenes the provisions of this Act commits an offence and shall be liable conviction to a fine not less than one million shillings and not more than two million, or to imprisonment for a term not exceeding twelve months, or both such fine and imprisonment.

8. The Cabinet Secretary may, with the approval of the National Assembly, make rules for the better carrying out of the objects of this Act

Rules.

MEMORANDUM OF OBJECTS AND REASONS

The principle purpose of this Bill is to promote the good image of the country, foster orderliness, discipline and decorum in the processes of governance. It is further aimed at providing a yardstick for determining the proper position of all officer, their seniority and hierarchy for the purpose of state functions.

PART I of the Bill contains preliminary provisions.

PART II of the Bill establishes the Order of Precedence, the President of Kenya being the first in the list. **Clause 3** sets out the objectives of establishing an Order of Precedence as promoting orderliness and decorum as wells as promoting national a culture of respect for public officials. **Clause 4** sets out the circumstances in which the Order of Precedence shall be used and that it does not reflect the line of succession as between the officers set out therein. **Clause 5** specifies the persons entitled to the use of the national flag and sirens on motorcades and during processions while **Clause 6** provides for titles to be used in addressing certain persons and office holders. **Clause 8** provides for offences and penalties.

The Bill is not a Bill concerning county governments.

The enactment of this Bill will not occasion additional expenditure of public funds.

Dated the 20th March, 2014.

ADAN KEYNAN,
Member of Parliament.