REPUBLIC OF KENYA

KENYA GAZETTE SUPPLEMENT

NATIONAL ASSEMBLY BILLS, 2015

NAIROBI, 19th June, 2015

CONTENT

Bill for Introduction into the National Assembly —

The Ethics and Anti-Corruption Commission (Amendment) Bill, 2015 ...2127
THE ETHICS AND ANTI-CORRUPTION COMMISSION (AMENDMENT) BILL, 2015

A Bill for

AN Act of Parliament to amend the Ethics and Anti-Corruption Commission Act, 2015

ENACTED By the Parliament of Kenya, as follows—

1. This Act may be cited as the Ethics and Anti-Corruption Commission (Amendment) Act, 2015.

2. The Ethics and Anti-Corruption Commission Act, 2011, in this Act referred to as “the principal Act”, is amended in section 4 by deleting the word “two” and substituting therefor the word “four”.

3. The principal Act is amended in section 7 by deleting the expression “full-time” appearing in subsection (2) and substituting therefor the expression “part-time”.

4. The principal Act is amended by repealing section 10 and replacing it with the following new section—

Filling of Vacancy. 10. (1) Where a vacancy arises in the membership of the Commission, the President shall, within twenty-one days following the occurrence of the event giving rise to the vacancy, constitute a selection panel for purposes of filling the vacancy.

(2) The selection panel constituted under subsection (1) shall, following the procedure set out in section 6, shortlist three qualified applicants for each vacancy and forward the names of the applicants so qualified to the President for appointment in accordance with that section.
MEMORANDUM OF OBJECTS AND REASONS

The Bill seeks to amend the Ethics and Anti-Corruption Commission to increase the number of Commissioners from three to five. The Bill also seeks to provide for the Chairperson and the members of the Commission to serve on a part-time basis.

The Bill further seeks to provide for the appointment of the Chairperson and members of the Commission when a vacancy arises in the Commission. The amendment is to provide for the period within which a vacancy shall be filled.

The Bill does not delegate legislative powers nor does it limit fundamental rights and freedoms.

The Bill does not concern county governments in terms of Article 109(3) of the Constitution and it does not affect the functions and powers of county governments recognized in the Fourth Schedule of the Constitution.

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

Dated the 19th June, 2015.

SAMUEL CHEPKONG'A,
Chairperson,
Justice and Legal Affairs Committee.
Section 4 of No. 22 of 2011 which it is proposed to amend—

4. Composition and appointment of the Commission.

The Commission shall consist of a chairperson and two other members appointed in accordance with the provisions of the Constitution and this Act.

Section 7 of No. 22 of 2011 which it is proposed to amend—

7. Term of Officer

(1) The chairperson and members of the Commission shall be appointed for a single term of six years and are not eligible for re-appointment.

(2) The chairperson and members of the Commission shall serve on a full time basis.

Section 10 of No. 22 of 2011 which it is proposed to repeal and replace—

10. Filling of Vacancy

(1) Where a vacancy occurs in the membership of the Commission, the President shall appoint a replacement in accordance with the procedure provided for under this Act.

(2) A member appointed under subsection (1) shall serve the Commission for a single term of six years.