SPECIAL ISSUE

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REPUBLIC OF KENYA

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NATIONAL ASSEMBLY BILLS, 2016

NAIROBI, 18th October, 2016

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THE NATIONAL POLICE SERVICE
(AMENDMENT) BILL, 2016

A Bill for

AN ACT of Parliament to amend the National Police Service Act, and for connected purposes—

ENACTED by the Parliament of Kenya, as follows—

1. This Act may be cited as the National Police Service (Amendment) Act, 2016.

2. The National Police Service Act, (in this Act referred to as “the principal Act”), is amended in section 2 by inserting in proper alphabetic sequence the following new definition—

“injury suffered on duty” means an illness or injury sustained by a member of the Service whilst in the execution of their duties or in the course of travel to or from a place of duty.

3. The principal Act is amended by inserting the following new section immediately after section 72—

72A. (1) A member of the Service who sustains a wound or injury or contracts an illness while on duty or undergoing training is, under such conditions and for such period as may be prescribed, entitled to be provided with medical, dental and psychological or other necessary treatment for such wound, injury or illness, notwithstanding that the duration of such treatment may extend beyond that member’s service contract.

(2) A member who is receiving the treatment referred to in subsection (1) shall receive his or her pay and allowances on their becoming due and for such period of treatment shall for all purposes be regarded as being on duty.
(3) The Commission shall compensate a member or the family of a member of the Service, as the case may be, who loses their life or suffers disabilities while exercising service or training.

(4) The Commission shall take the necessary steps to ensure that in respect of every member of the Service there is at all times a record of the particulars of the beneficiary designated by such member for purposes of subsection (3).

(5) A member of the Service may at any time designate another person in the place of the person designated for purposes of subsection (3) and shall ensure that any change in designation is notified to the Inspector General in writing.

4. Section 124 of the principal Act is amended by inserting the following new paragraph immediately after paragraph (e) —

“(e) compensation of members of the Service for injury, inability to perform work or loss of life.”
MEMORANDUM OF OBJECTS AND REASONS

The principal object of this Bill is to amend the National Police Service Act, No. 11 A of 2011 to make provision for compensation of members of the Service for injury or loss of life as result of service in the National Police Service.

Clause 1 provides for the short title.

Clause 2 seeks to amend section 2 of the principal Act to provide for the definition of injury suffered while on duty.

Clause 3 proposes to insert a new section 72A to provide for compensation of members of the Service for injury and loss of life suffered as a result of work within the Service.

Clause 4 seeks to amend section 124 of the principal Act to enable the Commission to make regulations for compensation of members of the Service for injury, inability to perform work or loss of life suffered while on duty.

Statement on the delegation of legislative powers and limitation of fundamental rights and freedoms

The Bill does not contain any provisions limiting any fundamental rights or freedom.

Statement on how the Bill concerns county governments

The Bill does not affect the functions of County governments as set out in the Fourth Schedule to the Constitution and is therefore not a Bill concerning counties.

Statement that the Bill is not a money Bill, within the meaning of Article 114 of the Constitution

The enactment of this Bill shall occasion additional expenditure of public funds.

Dated the 13th October, 2016

A. S. NASSIR,
Member of Parliament.
Section 72 of the principal Act which it is proposed to amend—
Special police officers

72. The Commission may, in consultation with the Inspector-General, at anytime, if it appears expedient in the interests of public order and safety so to do, appoint persons to be special police officers for such period and within such area as may be considered necessary, and every such officer shall, during the period of service as a special police officer, be deemed to be a police officer for the purposes of this Act.

Section 124 of the principal Act which it is proposed to amend—
Regulations by the Commission

124. (1) The Commission may make regulations for the better carrying out of the purposes of this Act, and in particular for—

(a) regulating the hours of duty for police officers and the keeping and signing of records of attendance;

(b) regulating and coordinating duties to be performed by police officers;

(c) regulating the granting of leave to police officers;

(d) prescribing arrangements and procedures for providing, assisting in or coordinating staff development programmes; and

(e) the employment of civilian staff within the Service.