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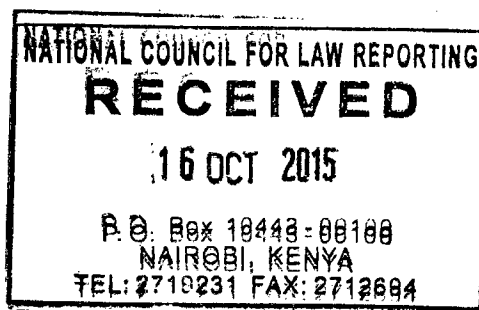
NAIROBI, 3rd September, 2015

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**THE ETHICS AND ANTI-CORRUPTION
COMMISSION (AMENDMENT) ACT, 2015**

No. 12 of 2015

Date of Assent: 1st September, 2015

Date of Commencement: 3rd September, 2015

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, and shall come into force upon publication.

Short-title and commencement.

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”.

Amendment of section 4 of No. 22 of 2011.

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”.

Amendment of section 7 of No.22 of 2011.

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

Repeal and replacement of section 10 of No. 22 of 2011.

Filling of vacancy.

10. (1) Whenever a vacancy arises in the membership of the Commission, the Public Service Commission shall, within fourteen days—

- (a) invite applications from persons who qualify for nomination and appointment by advertisement in at least two daily newspapers of national circulation;
- (b) consider the applications received to determine their compliance with the provisions of the Constitution and this Act;
- (c) short list the applicants;

- (d) conduct interviews of the shortlisted persons in public;
 - (e) shortlist three qualified applicants for each vacancy; and
 - (f) forward the names of the qualified persons to the President.
- (2) The President shall, within fourteen days of receipt of the names of successful applicants forwarded under subsection (1)(f), select the person to fill the vacancy in the Commission and forward the name of the person to the National Assembly for approval.
- (3) The National Assembly shall, within twenty-one days of the day it next sits after receipt of the name of an applicant under subsection (2), vet and consider the applicant, and may approve or reject applicants for any or all vacancies in the Commission.
- (4) Where the National Assembly approves of an applicant, the Speaker of the National Assembly shall forward the name of the approved applicant to the President for appointment.
- (5) The President shall, within seven days of receipt of the name of the approved applicant from the National Assembly, by notice in the Gazette appoint the applicant to the Commission.
- (6) Where the National Assembly rejects any nomination, the Speaker shall within three days communicate its decision to the President and request the President to submit fresh nominations.
- (7) Where a nominee is rejected by the National Assembly under subsection
- (6), the President shall within seven days, submit to the National Assembly a fresh nomination from amongst the persons

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shortlisted and forwarded by the Public Service Commission under subsection (1)(f).

(8) If the National Assembly rejects any or all of the subsequent nominees submitted by the President for approval under subsection (1), the provisions of subsections (1) and (2) shall apply.

(9) In short listing, nominating or appointing persons to fill a vacancy in the Commission, the Public Service Commission, the National Assembly and the President shall ensure that not more than two-thirds of the members are of the same gender.

5. The principal Act is amended in section 27(3), by—

Amendment of section 27 of No. of 2011.

(a) inserting the following new paragraph immediately after paragraph (f)—

“(g) the state of compliance with the provisions of section 18(4)(b)”;

(b) renumbering the existing paragraph (g) as paragraph (h).

6. (1) Every person who, immediately before the commencement of this Act, was an employee of the Commission, shall, upon such commencement, continue to serve in his or her respective position in accordance with the contract of employment:

Transitional provision.

Provided that the Commission shall, within the period of one year after the appointment of Commissioners under this Act, using criteria determined by the Commission, vet such employee to ensure that he or she is fit and proper to continue serving as such.

(2) The services of any person who fails to meet the vetting criteria established by the Commission under this section shall be terminated in accordance with the contract of employment.

