

REPUBLIC OF KENYA



ELEVENTH PARLIAMENT-(THIRD SESSION)
THE NATIONAL ASSEMBLY
MESSAGES

MESSAGE FROM H.E. THE PRESIDENT

(No. 3 of 2015)

**NOMINATION OF JOSEPH KIPCHIRCHIR BOINETT FOR APPOINTMENT TO THE
POSITION OF INSPECTOR GENERAL OF POLICE**

Honourable Members,

Pursuant to the provisions of Standing Orders 42(1) of the National Assembly Standing Orders, I wish to convey a Message from H.E. The President asking Parliament to approve one Joseph Kipchirchir Boinett for appointment as the Inspector-General of Police. In the Message, H.E. the President conveys that, in exercise of powers vested in him under Article 245(2)(a) of the Constitution and section 12(2) of the National Police Service Act (No. 11A of 2011) as amended by the Security Laws (Amendment) Act, 2014, he nominates **Joseph Kipchirchir Boinett** for appointment to the position of the Inspector General of Police.

Honourable Members, Article 245(2)(a) of the Constitution states that- “ *The Inspector-General is Appointed by the President with the Approval of Parliament*”. Further, section 12 of the National Police Service Act (No. 11A of 2011) as amended by section 11 of the National Police Service (Amendment) Act 2104 and further amendment by section 86 of the Security Laws (Amendment) Act 2014 reads, and I quote-

“ 12(1) Pursuant to Article 245(2)(a) of the Constitution, the Inspector-General of the Service shall be appointed by the President with the approval of Parliament.

(2) The President shall, within fourteen days after a vacancy occurs in the office of the Inspector-General, nominate a person for appointment as an Inspector-General and submit the name of the nominee to Parliament”

Honourable Members, You may recall that the approval of appointment of the immediate former Inspector-General of Police was granted by the National Assembly acting as both Houses as contemplated by Paragraph 11 of the Sixth Schedule to the Constitution. I wish therefore to note that, this is the first instance that the two Houses of Parliament are required to approve the appointment of a candidate to a public office. In this regard, a couple of unprecedented aspects with regard to the process would be expected to arise. However, as Members are aware, Parliament is not helpless as the two Speakers are well empowered to deal with such scenarios. Consequently, and in order for Parliament to effectively conduct the vetting process, the Speaker of the Senate and I have consulted on the most judicious manner of facilitating Parliament to discharge this important task. In the interest of economy of time and resources, the requirements of the Public Appointments (Parliamentary Approval) Act, 2011, the Standing Orders of both Houses and the practices of Parliament, we have agreed as follows-

- (i) **THAT**, the vetting of the nominee for appointment as Inspector-General of Police shall be conducted jointly by the Committees of the two Houses mandated to deal with matters of national security. The vetting process will therefore be conducted by the Departmental Committee on Administration and National Security of the National Assembly sitting jointly with the Standing Committee on National Security and Foreign Relations of the Senate;
- (ii) **THAT**, the Chairpersons of the two respective committees will Co-Chair the joint sittings and the Secretariat will comprise officers of the two Houses;
- (iii) **THAT**, the quorum of the joint sittings will be the respective quorums of each of the committees as stipulated by the respective Standing Orders;
- (iv) **THAT**, as contemplated under rule 9(6) of the Joint `Rules, unless a decision is reached by consensus, any vote to be taken in the joint sitting of the committees shall be by separate Houses. This will ensure that the numerical difference of the individual Members representing the Houses in the joint sittings has no effect on the decisions of the joint sittings of the Committees;

- (v) **THAT**, the Committees shall, having conducted the vetting hearings, submit a Joint Report to the respective Houses in the manner contemplated by paragraph (7) of Joint Rule 9.

Honourable Members, section 8 (1) of the Public Appointments (Parliamentary Approval) Act, 2011 states, and I quote-

“Unless otherwise provided in any law, a Committee shall consider a nomination and table its report in the relevant House for debate and decision within fourteen days from the date on which the notification of the nomination was given in accordance with section 5”

Further, section 9 of the said law states that-

“If after the expiry of the period for consideration specified in section 8, Parliament has neither approved nor rejected a nomination of a candidate, the candidate shall be deemed to have been approved”

In this regard, the period on the matter that is now before Parliament starts running from tomorrow, Wednesday, February 18, 2015. In order to facilitate the commencement of the deliberations, the first joint sitting of the Committees will be held **tomorrow, Wednesday, February 18, 2015 at 9.30 am at the Mini-Chamber, County Hall in Parliament Building**. It is also advisable that the concerned Committees expeditiously proceed to **jointly** notify the nominee and the public and conduct the joint sittings so as to conclude the exercise timeously. The Committees should Table the joint Report on or before Thursday, February 26, 2015 to enable the Houses of Parliament to consider the Report in good time.

This Message therefore, together with the résumé of the nominee, stands committed to the Departmental Committee on Administration and National Security of the National Assembly sitting jointly with the Standing Committee on National Security and Foreign Relations of the Senate.

I thank you!

THE HON. JUSTIN MUTURI, EGH, MP
SPEAKER OF THE NATIONAL ASSEMBLY

February 17, 2015