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SENATE BILLS, 2021

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**THE CONSTITUTION OF KENYA
(AMENDMENT) BILL, 2021**

A Bill for

AN ACT of Parliament to amend the Constitution of Kenya

ENACTED by the Parliament of Kenya, as follows —

1. This Act may be cited as the Constitution of Kenya (Amendment) Act, 2021. Short title.
2. Article 97 of the Constitution is amended in clause 1(b) by deleting the word “forty-seven” appearing at the beginning of the clause and substituting therefor the word “forty-eight”. Amendment of Article 97 of the Constitution.
3. Article 98 of the Constitution is amended — Amendment of Article 98 of the Constitution.
 - (a) in clause (1)(a) by deleting the word “forty-seven” appearing at the beginning of the clause and substituting therefor the word “forty-eight”; and
 - (b) in clause (1)(b) by deleting the word “sixteen” appearing at the beginning of the clause and substituting therefor the word “eighteen”.
4. The First Schedule of the Constitution is amended by inserting the following new paragraph immediately after paragraph 15 — Amendment of the First Schedule of the Constitution.
 - 15A. Mwingi.

MEMORANDUM OF OBJECTS AND REASONS

The object of this Bill is to amend the Constitution of Kenya to ensure that resources and services are brought closer to the people by splitting the vast expansive Kitui County into two Counties of Kitui and Mwingi respectively.

As currently constituted, the larger Mwingi region has three constituencies. These are Mwingi Central, Mwingi North and Mwingi West. The proposed new Mwingi County shall also include Kitui East constituency. The four constituencies have a cumulative population of 558,000 people according to the 2019 national census report. This population is spread in twenty-one (21) wards distributed as follows —

CONSTITUENCY	WARD
1. Mwingi Central	1. Kivou ward 2. Nguni ward 3. Nuu ward 4. Mui ward 5. Central Ward
2. Mwingi West	1. Kyome/Thaana Ward 2. Nguutani Ward 3. Kiomo/Kyethani Ward 4. Migwani Ward
3. Mwingi North	1. Ngomeni Ward 2. Kyuso Ward 3. Mumoni Ward 4. Tharaka Ward 5. Tseikuru Ward
4. Kitui East	1. Endau/Malalani Ward 2. Zombe/Mwitika Ward 3. Mutitu/Kaliku Ward 4. Voo/Kyamatu Ward 5. Nzambani 6. WardChuluni Ward

Article 6(1) of the Constitution of Kenya, provides that the territory of Kenya is divided into the counties specified in the First Schedule. The First Schedule then lists forty-seven (47) counties. This Bill therefore amends the First Schedule by introducing “Mwingi” as a county hived off from Kitui County.

Clause 1 of the Bill is the short title of the Bill.

Clause 2 of the Bill proposes to amend Article 97(1)(b) of the Constitution by increasing the number of women elected members of the National Assembly in respect of each county constituting a single member constituency from the current forty-seven to forty-eight.

Clause 3 of the Bill proposes to amend Article 98(1)(a) of the Constitution by increasing the number of elected Senators from the current ‘forty-seven’ to ‘forty-eight’. The clause also amends Article 98(1)(b) to take into account the one third gender rule in the composition of the Senate by increasing the specially elected women from sixteen to eighteen Senators.

Clause 4 of the Bill proposes to amend the First Schedule of the Constitution of Kenya to introduce county No. 15A which is “Mwingi”.

This Bill will ensure that the now very expansive county of Kitui is divided into Kitui and Mwingi respectively and thereby bringing services and resources closer to the people of this county.

Dated the 11th May, 2021

ENOCH WAMBUA,
Senator.

1. Article 97 of the Constitution that the Bill proposes to amend—

97. Membership of the National Assembly

(1) The National Assembly consists of—

- (a) two hundred and ninety members, each elected by the registered voters of single member constituencies;
- (b) forty-seven women, each elected by the registered voters of the counties, each county constituting a single member constituency;
- (c) twelve members nominated by parliamentary political parties according to their proportion of members of the National Assembly in accordance with Article 90, to represent special interests including the youth, persons with disabilities and workers; and
- (d) the Speaker, who is an ex officio member.

(2) Nothing in this Article shall be construed as excluding any person from contesting an election under clause (1)(a).

2. Article 98 of the Constitution that the Bill proposes to amend—

98. Membership of the Senate

(1) The Senate consists of—

- (a) forty-seven members each elected by the registered voters of the counties, each county constituting a single member constituency;
- (b) sixteen women members who shall be nominated by political parties according to their proportion of members of the Senate elected under clause (a) in accordance with Article 90;
- (c) two members, being one man and one woman, representing the youth;
- (d) two members, being one man and one woman, representing persons with disabilities; and
- (e) the Speaker, who shall be an ex officio member.

(2) The members referred to in clause (1)(c) and (d) shall be elected in accordance with Article 90.

(3) Nothing in this Article shall be construed as excluding any person from contesting an election under clause (1)(a).

3. The First Schedule of the Constitution that the Bill proposes to amend—

FIRST SCHEDULE

Article 6(1)

1. Mombasa
2. Kwale
3. Kilifi
4. Tana River
5. Lamu
6. Taita/Taveta
7. Garissa
8. Wajir
9. Mandera
10. Marsabit
11. Isiolo
12. Meru
13. Tharaka-Nithi
14. Embu
15. Kitui
16. Machakos
17. Makueni
18. Nyandarua
19. Nyeri
20. Kirinyaga
21. Murang'a
22. Kiambu
23. Turkana
24. West Pokot
25. Samburu
26. Trans Nzoia
27. Uasin Gishu

28. Elgeyo/Marakwet
29. Mandi
30. Baringo
31. Laikipia
32. Nakuru
33. Narok
34. Kajiado
35. Kericho
36. Bomet
37. Kakamega
38. Vihiga
39. Bungoma
40. Busia
41. Siaya
42. Kisumu
43. Homa Bay
44. Migori
45. Kisii
46. Nyamira
47. Nairobi City