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*Pat SNA*  
*28/9/2021*

REPUBLIC OF KENYA



TWELFTH PARLIAMENT – FIFTH SESSION



THE NATIONAL ASSEMBLY

THE NATIONAL ASSEMBLY  
PAPERS LAID

DATE: 28 SEP 2021

DAY:

SELECT COMMITTEE ON IMPLEMENTATION

TABLED  
BY:

*Chairperson Committee  
on Implementation*

THE-TABLE:

*Getrude Chebet*

THIRD REPORT ON  
SUBMISSIONS FROM STAKEHOLDERS REGARDING  
IMPLEMENTATION STATUS OF INQUIRIES, PETITIONS AND  
RESOLUTIONS PASSED BY THE HOUSE

DIRECTORATE OF AUDIT, APPROPRIATIONS AND OTHER SELECT  
COMMITTEES  
CLERK'S CHAMBERS  
PARLIAMENT BUILDINGS  
NAIROBI

SEPTEMBER, 2021

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## ABBREVIATIONS & ACRONYMS

CBA	Collective Bargaining Agreement
CHV	Community Health Volunteers
CUE	Commission for University Education
CUFMCs	Constituency Uwezo Fund Management Committees
EML	Essential Medicines List
ERP	Enterprise Resource Planning
GoK	Government of Kenya
JE	Job Evaluation
KALRO	Kenya Agricultural Livestock Research Organization
KMLTTB	Kenya Medical Laboratory Technicians and Technologists Board
MLS	Medical Laboratory Science
MoH	Ministry of Health
NLC	National Land Commission
ORPP	Office of the Registrar of Political Parties
PAPs	Project Affected Persons (PAPs)
SFAC	Special Funds Accounts Committee
TSC	Teachers Service Commission
TWG	Technical Working Group (TWG)

## **CHAIRPERSON'S FOREWORD**

The Select Committee on Implementation is mandated to scrutinize resolutions of the House arising from adopted Committee reports, Public petitions and the undertakings given by the National Executive and examine whether such decisions and undertakings have been implemented within the sixty (60) days provided for in the Standing Orders. Further, the Committee reviews whether such implementation has taken place within the minimum time necessary and provides a satisfactory explanation for the delay in full implementation.

The Committee wrote to the various Ministries requesting for implementation status of resolutions, petitions and adopted Committee reports passed by the House. The implementation status included in the Report contains submissions provided by various Ministries and Government Agencies from January to October, 2020. The Report entails a compilation of the responses received and their implementation status as at the time of adoption of the Report.

The Committee registers its appreciation to the Offices of the Speaker and the Clerk of the National Assembly for facilitating it towards achieving its mandate and producing this Report.

Pursuant to Standing Order 199 (6), it is, therefore, my pleasant duty and privilege, on behalf of the Select Committee on Implementation, to lay this Report on the Table of the House.

**HON. MOITALEL OLE KENTA, MP**

## **EXECUTIVE SUMMARY**

In line with its mandate, the Select Committee on Implementation wrote to various Ministries seeking the status of implementation of various House resolutions. This is pursuant to Standing Order 209 (2), which provides that the Committee shall scrutinize the resolutions of the House (including adopted Committee reports), petitions and the undertakings given by the National Executive and examine whether or not such decisions and undertakings have been implemented and where implemented, the extent to which they have been implemented; and whether such implementation has taken place within the minimum time necessary and whether or not legislation passed by the House has been operationalised and where operationalised, the extent to which such operationalisation has taken place within the minimum time necessary.

The Committee wrote to the Ministries and Government Agencies forwarding a list of House resolutions pending before them seeking their status of implementation, including challenges faced while implementing them. During its various sittings, the Committee scrutinized the written submissions received from the stakeholders. The records of evidence submitted to the Committee form the basis of the Committee's Report on the implementation status as outlined in the Report.

In its deliberations, the Committee observed that most House resolutions are not accompanied by the requisite budget provisions, making it difficult for MDAs to implement them. The Committee also observed that some Agencies could not follow up on and implement some recommendations of the House due to the outbreak of the Covid-19 pandemic.

The Committee recommends that the House considers the financial implications of resolutions before committing them for implementation and allocate adequate funds to the implementing agencies.



## CHAPTER ONE: BACKGROUND

### 1.0 PREFACE

#### 1.1 Mandate of the Committee

1. The Select Committee on Implementation is established pursuant to Standing Order 209 of the National Assembly Standing Orders. The Committee scrutinizes the resolutions of the House (including adopted Committee reports), petitions and the undertakings given by the National Executive and examines whether or not such decisions and undertakings have been implemented and where implemented, the extent to which they have been implemented; and whether such implementation has taken place within the minimum time necessary; and whether or not legislation passed by the House has been operationalized and where operationalized, the extent to which such operationalization has taken place within the minimum time necessary.
2. Standing Order 201 further provides that, within sixty days of a resolution of the House or adoption of a report of a select committee, the relevant Cabinet Secretary under whose portfolio the implementation of the resolution falls shall provide a report to the appropriate Committee of the House in accordance with Article 153(4) (b) of the Constitution.

## 1.2 Committee Membership

3. The Committee membership comprises -

### **Chairperson**

Hon. Moitalel Ole Kenta, MP  
Narok North Constituency

**Orange Democratic Movement**

### **Vice-Chairperson**

Hon. Godfrey Osotsi, MP  
Nominated

**Amani National Congress**

### **Members**

Hon. Moses Kuria, MP  
Gatundu South Constituency  
**Jubilee Party**

Hon. Alois Lentoimaga, MP  
Samburu North Constituency  
**Jubilee Party**

Hon. (Dr.) James Murgor, MP  
Keiyo North Constituency  
**Jubilee Party**

Hon. Joash Nyamache Nyamoko MP  
North Mugirang'o Constituency  
**Jubilee Party**

Hon. Richard Onyonka, MP  
Kitutu Chache South Constituency  
**Ford Kenya**

Hon. Paul Odalo Abuor, MP  
Rongo Constituency  
**Orange Democratic Movement**

Hon. Hassan Oda Hulufu, MP  
Isiolo North Constituency  
**Kenya Patriots Party**

Hon. Paul Simba Arati, MP  
Dagoretti North Constituency  
**Orange Democratic Movement**

Hon. Feisal Abdalla Bader, MP  
Msambweni Constituency  
**Independent**

Hon. Johnson Many Naicca, MP  
Mumias West Constituency  
**Orange Democratic Movement**

Hon. John Muchiri Nyaga, MP  
Manyatta Constituency  
**Jubilee Party**

Hon. Silvanus Osoro, MP  
South Mugirang'o Constituency  
**Kenya National Congress**

Hon. Benjamin Dalu Tayari, MP  
Kinango Constituency  
**Orange Democratic Movement**

Hon. Michael Thoya Kingi, MP  
Magarini Constituency  
**Orange Democratic Movement**

Hon. Nelson Koech, MP  
Belgut Constituency  
**Jubilee Party**

Hon. Joshua Mbithi Mwalyo, MP  
Masinga Constituency  
**Wiper Democratic Movement-Kenya**

Hon. Peter Kimari, MP  
Mathioya Constituency  
**Jubilee Party**

Hon. John Njuguna Wanjiku, MP  
Kiambaa Constituency  
**United Democratic Alliance**

Hon. Gabriel Kago Mukuha, MP  
Githunguri Constituency  
**Jubilee Party**

Hon. Charles Ngusya Nguna, MP  
Mwingi West Constituency  
**Wiper Democratic Movement-Kenya**

Hon. Jared Okello, MP  
Nyando Constituency  
**Orange Democratic Movement**

### 1.3 Committee Secretariat

4. The Secretariat facilitating the Committee comprise -

Ms. Tracy Chebet Koskei  
*Clerk Assistant I/Team Leader*

Mr. Abdirahman Hassan  
*Clerk Assistant II*

Mr. Salem Lorot  
*Legal Counsel*

Ms. Winnie Kizia  
*Media Relations Officer*

Mr. Donald Manyala  
*Research Officer II*

Ms. Jane Serem  
*Audio Officer I*

Mr. Moses Kariuki  
*Sergeant-at-Arms*

## CHAPTER TWO: INTRODUCTION

5. The Committee commenced to appraise itself on the implementation status of House resolutions pursuant to Standing Order 209 (2), which requires the Committee to scrutinize the resolutions of the House (including adopted Committee reports), petitions and the undertakings given by the National Executive.
6. The Committee wrote to various Ministries on 17<sup>th</sup> December, 2019 and on 9<sup>th</sup> July, 2020 seeking to update the implementation status of various resolutions and reports (inquiries and petitions) under their purview.
7. This Report contains submissions on the implementation status of the following reports and House resolutions:

### MINISTRY OF HEALTH

- (i) The resolution that the Government urgently establishes programmes and interventions to encourage uptake of counselling services among individuals, families and communities to mitigate the effects of mental health disorders; and
- (ii) The resolution that the Government institutionalizes diagnostic testing for Diabetes in workplaces and community setting, provides for education, prevention and subsidized routine diabetes screening and treatment and put in place measures to ensure an effective diabetes care system at all levels of health care.

### MINISTRY OF DEFENCE

- (iii) Report on the inquiry into land acquisition by Kenya Defence Forces for Establishment of Forward Operating Base in Narok County.

### MINISTRY OF AGRICULTURE, LIVESTOCK AND FISHERIES

- (iv) Resolution on registration of farmers and formation of farmers and Agribusiness entities; and
- (v) Report of the Departmental Committee on Agriculture and Livestock on the Inquiry into the challenges faced by the Coffee Research Institute.

### KENYA MEDICAL LABORATORY TECHNICIANS AND TECHNOLOGISTS BOARD

- (vi) Report of the Departmental Committee on Education and Research regarding its consideration of the Petition on the release of examination results for Mr. Nicky Odongo Lubanga by the Kenya Medical Laboratory Technicians and Technologists Board.



#### NATIONAL LAND COMMISSION

- (vii) Report of the Departmental Committee on Energy on its consideration of the Public Petition regarding demolition of Houses in Chokaa, Mihango area, Embakasi East Constituency by the Kenya Power Limited.

#### MINISTRY OF TRADE, INDUSTRIALISATION & ENTERPRISE DEVELOPMENT

- (viii) The resolution that the Government puts in place measures to bridge the huge Trade Deficit.

#### REPORTS OF THE SPECIAL FUNDS ACCOUNTS COMMITTEE

- (ix) The Report of the Special Funds Accounts Committee on the Examination of the Report of the Auditor-General on the Financial Statements for the Political Parties for the Year Ended 30<sup>th</sup> June 2017; and
- (x) The Report of the Special Funds Accounts Committee on the Examination of the Report of the Auditor-General on the Financial Statements for Uwezo Fund for the Financial Year 2016/2017.

#### OTHER REPORTS ON PETITIONS

- (xi) Report of the Departmental Committee on Education and Research regarding its consideration of the Petition regarding alleged failure by TSC to promote teachers in Samburu County and its Environs.
- (xii) Report of the Departmental Committee on Education and Research regarding its consideration of the Petition regarding non-payment of hardship allowance to teachers in Taita Taveta County.

## **CHAPTER THREE: SUBMISSIONS BY VARIOUS MINISTRIES AND GOVERNMENT AGENCIES ON IMPLEMENTATION STATUS OF HOUSE RESOLUTIONS**

### **MINISTRY OF HEALTH**

#### **3.0 THE RESOLUTION THAT THE GOVERNMENT URGENTLY ESTABLISHES PROGRAMMES AND INTERVENTIONS TO ENCOURAGE UPTAKE OF COUNSELLING SERVICES AMONG INDIVIDUALS, FAMILIES AND COMMUNITIES TO MITIGATE THE EFFECTS OF MENTAL HEALTH DISORDERS**

##### **3.1 Background**

8. The Motion was tabled by the Hon. Rose Museo, MP, the Member for Makueni County, was adopted by the House on 25<sup>th</sup> April, 2018.
9. The Principal Secretary State Department for Health, Ms Susan N. Mochache, CBS accompanied by other officials of the Ministry, appeared before the Committee on Tuesday, 15<sup>th</sup> October, 2019 and provided the implementation status of the resolution.

##### **3.2 Implementation status**

10. The Ministry reported that it had carried out the following activities:
  - (i) The Training of Community Health Volunteers (CHVs) on counselling intervention problem management plus (PM+) in Nyeri, Nairobi, Nyamira and Nakuru counties. It had also developed a Scheme of services for psychologists' officers in health.
  - (ii) It was in the process of setting up a regulatory board for counsellors and psychologists.
  - (iii) It had also trained Trainer of Trainers (ToTs) on psychological first Aid, trained the National psychosocial emergency team for mental health and psychological first aid and support during emergency response and training on basic counselling skills on substance use prevention, treatment and care for NGOs and peer groups.
  - (iv) It was implementing workplace counselling in collaboration with the State Department of Public Services.
  - (v) The Ministry also trains youth in Nairobi County and Universities on peer to peer counselling skills and support.

### **3.3 Committee observation**

11. The Committee observed that the implementation of the resolution was ongoing.

12. The Committee further observed that, H.E the President highlighted the progress on handling mental health in Kenya, during his 7<sup>th</sup> State of the Nation Address to the Joint Sittings of the House on 12<sup>th</sup> November, 2020, by stating that the Government had designated a special office under the Ministry of Health to handle mental illness and had also elevated Mathari Teaching and Referral Hospital to an ultra-modern National Mental Health Hospital.

### **4.0 RESOLUTION THAT THE GOVERNMENT INSTITUTIONALIZES DIAGNOSTIC TESTING FOR DIABETES IN WORKPLACES AND COMMUNITY SETTINGS, PROVIDES FOR EDUCATION, PREVENTION AND SUBSIDIZED ROUTINE DIABETES SCREENING AND TREATMENT AND PUT IN PLACE MEASURES TO ENSURE AN EFFECTIVE DIABETES CARE SYSTEM AT ALL LEVELS OF HEALTH CARE**

#### **4.1 Background**

13. The Motion was tabled by the Hon. Capt. Ruweida Obo Mohamed, M.P., the Member for Lamu County and was adopted by the House on 20<sup>th</sup> March, 2019.

14. The Principal Secretary for the State Department for Health, Ms Susan N. Mochache, CBS, accompanied by other officials of the Ministry, appeared before the Committee on Tuesday, 15<sup>th</sup> October, 2019 and made the following submission on the implementation status:-

#### **4.2 Implementation status**

15. The Ministry of Health (MoH) has embarked on the following:

- i. The Diabetes Technical Working Group (TWG) has recently been set up to develop workplace and community diabetes intervention strategies.
- ii. There is a capacity gap of health workers to diagnose and manage Diabetes comprehensively in Kenya. As an initial step towards establishing diabetes and wellness clinics at the workplace and community, the Ministry of Health has started training health workers and community health volunteers on diagnosis and management of Diabetes.
  - a. So far, 1845 health workers in 30 counties have been trained on the management of Diabetes and hypertension.
  - b. There is ongoing online training of 2000 clinicians on the management of Diabetes.

- c. Training of Community Health Volunteers (CHVs) on Diabetes is underway and this has been done in two counties, namely Kakamega and Makeni.
- iii. There are efforts to establish comprehensive diabetes clinics in all level 4 facilities in all counties that shall serve as referral centres for Diabetes. Already 30 counties have established this with the help of MoH and partners.
- iv. Data collection forms an integral part of any disease management and to this end, the MoH has developed diabetes and hypertension data collection tool (MOH 740) which have been piloted in 10 counties and are awaiting national rollout.
- v. Efforts to take advantage of Universal Health Coverage are underway.

#### **4.3 Challenges**

- 16. The Ministry submitted that, there are some key financial challenges that require a high-level multi-sectoral approach. The Ministry also submitted that there is also a need for high-level investment in infrastructure and equipment.

#### **4.4 Observation**

- 17. Implementation is ongoing.

#### **4.5 Committee Recommendation**

- 18. The Ministry of Health should prioritise funding for this programme in its ceilings for the FY 2022/2023.

## MINISTRY OF DEFENCE

### 5.0 REPORT ON INQUIRY INTO LAND ACQUISITION BY KENYA DEFENCE FORCES FOR ESTABLISHMENT OF FORWARD OPERATING BASE IN NAROK COUNTY

#### 5.1 Background

19. The Departmental Committee on Defence and Foreign Relations carried out an Inquiry into Land Acquisition by the Kenya Defence Forces to establish Forward Operating Base (FOB) in Narok County.

#### 5.2 Recommendations by the Departmental Committee on Defence & Foreign Relations

20. The Committee tabled its Report on 2<sup>nd</sup> April, 2019 and made the following recommendations:

- i. The Ministry of Defence should carry out due diligence on the ownership of the proposed land to be acquired and expedite the compensation of the land's bonafide owner (s) and all the Project Affected Persons.
- ii. In the future expansion of the FOB and other related projects, the Ministry of Defence should carry out due diligence to authenticate ownership of all neighbouring parcels of land whose ownership is currently disputed before acquisition.

#### 5.3 Implementation Status

21. The Committee received a written submission from the Ministry of Defence on 15<sup>th</sup> January, 2020 (*Annex III B*).
22. The Ministry submitted that through a letter Ref. No. NLC/VAL 1557, dated 4<sup>th</sup> December, 2018, the National Land Commission issued the Ministry of Defence with a schedule for payment of Kshs. 175, 866,730.00 to enable compensation for identified Project Affected Persons for the acquisition of 355.54 Ha.
23. The land comprises twelve (12) parcels of various Hectares. The Ministry disbursed the said amount as requested by NLC on 13<sup>th</sup> May, 2019.
24. In accordance with Land Act No. 65 of 2012, the Ministry commenced compulsory acquisition of Military land in Narok on 20<sup>th</sup> April, 2018 to establish a FOB for Air Defence Regiment.
25. Through the National Land Commission and guided by the Land Act No. 6 of 2012, the Ministry carried out due diligence on the ownership of the acquired Narok land. It ensured compensation of bonafide owners of the land and Project Affected Persons



(PAPs) was expedited. Further, PAPs were served with letters of possession and the Land Registry in Narok County restricted by NLC.

26. The Ministry committed that, in the event of future expansion, the Ministry will adhere to the same procedure for acquiring additional land as per the provisions of the Land Act No. 6 of 2012.

#### **5.4 Committee observation**

27. The Committee observed that the implementation of the House Resolution on the matter had been done.

## **MINISTRY OF AGRICULTURE, LIVESTOCK, FISHERIES AND COOPERATIVES**

### **6.0 RESOLUTION ON REGISTRATION OF FARMERS AND FORMATION OF FARMERS AND AGRIBUSINESS ENTITIES**

#### **6.1 Background**

28. The Motion was proposed by Hon. (Dr.) John Mutunga, the Member for Tigania West Constituency on 19<sup>th</sup> June, 2019 and was adopted by the House on 4<sup>th</sup> December, 2019.
29. The resolution urged the Government to facilitate and support the Kenya National Farmers' Federation to mobilize and organize the registration of farmers into preferred entities and manage the national farmers' database for use in engagements and sustainable management of the various Agricultural Product Value Chains.

#### **6.2 Implementation status**

5. The Ministry of Agriculture, Livestock and Fisheries made a written submission vide a letter Ref. MOALF/ADM/1/27/3 VOL.X /45 dated 7<sup>th</sup> February, 2020 (*Annex III C*).
6. The Ministry is carrying out a farmers registration exercise in collaboration with other development partners and stakeholders such as the Kenya National Bureau of Statistics (KNBS), The Ministry of Interior & Coordination of National Government and the Food Agricultural Organization.
7. Currently, 400 agribusiness entities operate as Small and Medium Enterprises in crop and livestock-based value chains. They are promoted through various projects and programmes within the Ministry. Most SMEs are at formative stages, whereas others have graduated to Common Interest Groups and Cooperatives.
8. The Ministry has put in place several measures aimed at strengthening SMEs. These include forming SME technical working committee and delivery team, SMEs inventory, and identifying and mapping existing SMEs and stakeholders.
9. The SMEs face numerous challenges, including Lack of adequate managerial skills, limited access to credit, poor governance, inadequate capital start-up and operating and inadequate skills and knowledge.

#### **6.3 Committee Observation**

10. The Ministry of Agriculture is facing inadequate funding to carry out the registration exercise completely.

#### **6.4 Committee Recommendation**

30. The Cabinet Secretary for the Ministry of Agriculture, Livestock and Fisheries should prioritise funding for this programme in its ceilings for the FY 2022/2023 for farmers' registration exercise.

### **7.0 REPORT OF THE DEPARTMENTAL COMMITTEE ON AGRICULTURE ON THE INQUIRY INTO THE CHALLENGES FACED BY THE COFFEE RESEARCH INSTITUTE**

#### **7.1 Background**

31. On 15<sup>th</sup> October 2019, Hon. (Dr) Eseli Simiyu, CBS, rose on a point of order, enumerated various challenges faced by the Coffee Research Institute (CRI) and sought the direction of the House on the matter. Subsequently, the Speaker directed that the Departmental Committee on Agriculture & Livestock undertakes an inquiry on the subject. The Committee, following the inquiry, tabled its Report on 26<sup>th</sup> November, 2019.

#### **7.2 Implementation status**

32. The Committee wrote to various agencies on the status of implementation and received a submission from the Ministry of Agriculture, Livestock and Fisheries vide a letter dated 27<sup>th</sup> July, 2020.

*I. Recommendation 1: The National Treasury allocates funds for the implementation of recommendations by the National Task Force Sub-sector Reforms on funding CRI to expand production of coffee seed and planting material, and cooperatives to establish and distribute coffee planting mainly for the new varieties, Ruiru 11 and Batian; creation of a financial Kitty to support research to be nested in CRI; and financial & technical support amounting to Kshs. 350 million to State Department of Cooperatives, Coffee Research Institute, Nairobi Coffee Exchange and Coffee Directorate.*

#### **Implementation status:**

33. The Ministry submitted that the Coffee Research Institute (CRI) had not received funds from the National Treasury to aid its operations (research, advisories and services). However, salaries and insurance are paid by funds allocated to KALRO from the National Treasury. This is the same situation for all KALRO Institute and operations are based on externally funded projects. The Ministry also submitted that the onset of the COVID-19 Pandemic affected planning a meeting of the stakeholders.

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#### **Committee observation**

34. Implementation of the resolution not done.

### **Committee Recommendation**

23. The Cabinet Secretary for the Ministry of Agriculture, Livestock and Fisheries should prioritise funding for this programme in its ceilings for the FY 2022/2023

*II. Recommendation 2: The National Treasury introduces a coffee research levy at not more than 1% of the gross coffee process to support coffee research and extension services.*

### **Implementation status**

35. The Committee is awaiting for Report on status from the National Treasury.

### **Committee Recommendation**

36. The Committee will report on this matter within ninety (90) days of the adoption of this Report.

*III. Recommendation 3: Financing of agricultural research should be prioritized by the Government and reliable sources of financing for research on coffee be identified and implemented*

### **Implementation status:**

37. The Ministry of Agriculture submitted that CRI had not received financing from the GOK for its activities.

### **Committee observation**

38. Implementation of the resolution not done.

### **Committee Recommendation**

39. The Cabinet Secretary for the Ministry of Agriculture, Livestock and Fisheries should prioritise funding for this programme in its ceilings for the FY 2022/2023

*IV. Recommendation 4: KALRO conducts a scientific audit on efficiency, effectiveness and economy on technologies and processes within the research institutes*

### **Implementation status:**

40. The Ministry of Agriculture submitted that this would be done in future when funds are available.

### **Committee Observation**

41. Implementation of the resolution not done

### **Committee Recommendation**

42. The Cabinet Secretary for the Ministry of Agriculture, Livestock and Fisheries should prioritise funding for this programme in its ceilings for the FY 2022/2023

*Recommendation 5: CRI works closely with farmers in coffee-producing regions for the adoption of innovations and provision of timely advisory services*

### **Implementation status:**

43. CRI continues to work with stakeholders to enhance services to farmers, including funding from the coffee sector Implementation committee. The Ministry has trained 185 county extension staff from 27 coffee growing counties and has continued to offer advisories through ICT based technologies in view of the pandemic with controlled interactions.

### **Committee observation**

44. Implementation of this has been done and this is a continuous activity.



## KENYA MEDICAL LABORATORY TECHNICIANS AND TECHNOLOGISTS BOARD

### 8.0 Report on the Petition regarding the release of examination results for Mr. Nicky Odongo Lubanga by the Kenya Medical Laboratory Technicians and Technologists Board

#### 8.1 Background

45. The Petition was presented to the House on 25<sup>th</sup> February, 2019 and committed to the Departmental Committee on Education and Research for consideration. The Petitioner had prayed that the National Assembly through the Departmental Committee on Education and Research:-

- i. Be issued with a practising certificate by the Kenya Medical Laboratory Technicians and Technologists Board to enable him to scout for jobs;
- ii. Investigate the matter to address his plight;
- iii. Recommends that the Ministry aligns programs to the required standards;
- iv. Makes any other recommendations it deems fit in the circumstance of this matter.

46. The Departmental Committee on Education and Research tabled its Report on the Petition on 10<sup>th</sup> March, 2020.

#### 8.2 Implementation status

47. The Committee requested information from the KMLTTB on 11<sup>th</sup> July, 2020 (*Annex III D*) and received a written submission on the status of implementation of the Report mentioned above on 23<sup>rd</sup> July, 2020.

*I. Recommendation 1: The petitioner's prayers to have his KMLTTB certification examinations results released and subsequent registration as Medical Laboratory Technologist by the Board be dismissed as he had failed the exams. Further, he did not meet the minimum qualifications to be registered as a Medical Laboratory Technologist.*

#### Implementation Status

48. The Board wrote to Nicky Odongo Lubanga through Maseno University on the dismissal of his Petition. Accordingly, the Board recommended to Maseno University to withdraw the petitioner's Medical Laboratory Science Degree. The Board also invited Maseno University to discuss the matter. The university was advised to offer Nicky Odongo Lubanga any other science-based degree befitting his KCSE qualification and his Diploma in Applied Biology.

#### Committee observation

49. Implementation done.

**II. Recommendation 2.** *Training institutions should ensure that they incorporate Medical Laboratory Science course admission requirements and only admit students who meet the minimum requirements to undertake the course. Further, they should ensure that the students meet the requirements set by the respective regulatory agencies for certification.*

**Implementation Status**

50. The Board has inspected all the Universities and Technical and Vocational Education Training (TVET) institutions to audit and provide support supervision to attain requisite standards. These standards and especially the minimum entry requirements, are well disseminated to the institutions. The KMLTTB Training Compliance checklist and reports are anchored on their standards. All these audited institutions have received their reports based on their standards.
51. Apart from the audits, the institutions offering Medical Laboratory Science training programs have participated in the core curricular review exercises where the minimum entry requirement to the course is incorporated and disseminated to them. As a matter of standard practice, the Board continuously corresponds to institutions on the minimum entry requirements for the program and advises them accordingly. As per the Board's regulations, all indexing applications must be received at the Board within 30 days of students' admission to ensure only qualified students pursue the course.

**Committee Observation**

52. The resolution has been implemented.

**III. Recommendation 3:** *The Registrar Kenya Medical Laboratory Technicians and Technologists Board should enforce strict adherence to admission, placement, registration and indexing procedures by institutions offering Medical Laboratory course and those found in violation and contravention of the guidelines be recommended for closure of the program.*

**Implementation status**

53. In its endeavour to ensure compliance with Medical Laboratory Science training programs in the country, the Board has recommended closure and suspension of the grossly non-compliant programs. The following institutions are examples of closures and suspensions effected by the Board; Maseno University, University of Nairobi, Kenya Methodist University (KEMU), Jomo Kenyatta University of Agriculture and Technology (JKUAT), Kisumu National Polytechnic, Kings Medical College, Regional College (Directors charged and cases pending in court).

#### **Committee Observation**

54. Implementation of the resolution has been done.

*IV. Recommendation 4: The Registrar Kenya Medical Laboratory Technicians and Technologists Board should conduct regular inspection of training institutions approved by the Board to ensure compliance with set standards, admission and indexing procedures, examinations regulations and other course requirements to ensure quality studies in Medical Laboratory Sciences*

#### **Implementation status**

55. The Board has been undertaking regular inspections of training institutions offering the Medical Laboratory Sciences program to ensure compliance with set standards, admission and indexing procedures, examinations regulations, and other course requirements to ensure quality studies in Medical Laboratory Sciences.

#### **Committee Observation**

56. Implementation has been done. The Committee notes that this is a continuous activity carried out by the Board.

*V. Recommendation 5: The petitioner may liaise with the Board to establish the minimum requirements needed to qualify as a Medical Laboratory Technologist after which he may request to re-sit for Medical Laboratory Science exams*

#### **Implementation status**

57. The legitimate expectations of the petitioner lie with Maseno University, which was aware of his inadequate qualifications for the MLS program. The University was advised to offer alternative degree befitting the petitioner's qualifications.

58. The Board is not aware whether the Maseno University Senate has offered the petitioner an alternative degree to provide him with the opportunity to serve the nation in his capacity as a youthful Kenyan.

#### **Committee Observation**

59. Implementation of the resolution has been done.

## NATIONAL LAND COMMISSION

### 9.0 REPORT ON THE PUBLIC PETITION REGARDING DEMOLITION OF HOUSES IN CHOKAA, MIHANGO AREA, EMBAKASI EAST CONSTITUENCY BY THE KENYA POWER LIMITED

#### 9.1 Background

60. The Petition was tabled by Hon Babu Owino, M.P, the Member for Embakasi East and committed to the Departmental Committee on Energy on 20<sup>th</sup> June, 2019. The petitioner prayed that the National Assembly, through the Departmental Committee on Energy;
- (i) Inquires into the status of ownership of land in Chokaa, Mihango area to establish whether or not the said land falls within power line way leave;
  - (ii) Inquires into circumstance under which demolitions were indiscriminately effected, hence affecting residents who had not encroached on Kenya Power way leaves;
  - (iii) Engages the Cabinet Secretary for Energy to provide information regarding demolitions in Chokaa, Mihango areas and measures the Government has instituted to settle the displaced residents, assist them in returning to normal lives and compensate innocent residents whose property were destroyed; and
  - (iv) Makes any other recommendations that it deems fit in the circumstances of this matter.

#### 9.2 Recommendations of the Departmental Committee on Energy

61. The Committee made the following recommendations:
- (1) The National Land Commission investigates the chains of ownership to ascertain the ownership of the land within ninety (90) days;
  - (2) Kenya Power Company shall not make power connections to customers in areas designated as wayleaves and any Kenya Power officer contravening the same will be held personally liable;
  - (3) The DCI investigates the alleged illegal allocations, irregular approvals of construction constructions and utility connections in Chokaa, Embakasi East Constituency with a view of seeking redress within ninety (90) days;
  - (4) There should be a humane way to remove persons from encroached areas and the Committee recommends that the affected persons seek redress through the court of law.

### 9.3 Implementation status

***Recommendation I: The National Land Commission investigates the chains of ownership to ascertain the ownership of the land within ninety (90) days;***

62. The National Land Commission, vide a letter dated 28th September, 2020 (*Annex III E*), submitted that the demolition was undertaken within Kenya Power Wayleave. The NLC confirmed that there exists an officially registered wayleave in the area running from Matopeni, Mihango, Chokaa towards Ruai. The wayleave abuts a large parcel of land registered as Nairobi/Block 102 owned by Buru Buru Farmers. Block 102 has since been sub-divided into smaller portions. There should be no conflict between the farmers and KPLC since the wayleave is surveyed and marked on the authentic Survey Plan.
63. The Commission further submitted that the wayleave has been in existence since 1962, although it was officially registered in 1992. However, it has been noted with concern that some squatters invaded the wayleave in the recent past, sub-divided it and settled or sold the portions to unsuspecting members of the public. This is illegality since wayleaves are inhabitable and are never available for human settlement.

#### **Committee observation**

64. Implementation of the resolution has been done.

#### **Committee recommendation**

65. The Kenya Power and Lighting Company, in consultation with the National Land Commission, should endeavour to reclaim all encroached KPLC's wayleaves for the safety of the public.

***Recommendation II: Kenya Power Company shall not make power connections to customers in areas designated as wayleaves and any Kenya Power officer contravening the same will be held personally liable***

#### **Implementation status**

66. KPLC submitted that wayleaves had been illegally encroached over time by a high number of squatters who have constructed illegal structures under our power lines, thus compromising our ability to effectively transmit, distribute, and retail quality and reliable electricity to end-user customers throughout the Country.
67. The formation of the Multi-Sectoral Agency Consultative Committee on unsafe structures by His Excellency the President to address such issues following heavy fatalities occasioned by collapsed structures accorded the company an excellent opportunity to address the way leaves encroachments.

68. The operation rides on the opportunity that the mandate of the Multi-Sectoral Agency Consultative Committee on Unsafe Structures (MSACC) offers to address the protracted wayleaves challenge. MSACC comprises NEMA, KURA, WRA, NCA, NBI, KPLC, Kenya Railways, Nairobi City County Government, National Police Service, KAA, NYS, NDMU, among other agencies.

***Recommendation III: The DCI investigates the alleged illegal allocations, irregular approvals of construction constructions and utility connections in Chokaa, Embakasi East Constituency with a view of seeking redress within ninety (90) days;***

#### **Implementation status**

69. The Directorate of Criminal Investigations in a letter Ref. DCI/IB/LFIU/SECV/4/2/VOL.XII/67, dated 19th November, 2020 (*Annex III F*), submitted that it was not involved in any investigations on the matter and referred to the aforementioned Report by KPLC.

***Recommendation IV: There should be a humane way to remove persons from encroached areas and the Committee recommends that the affected persons seek redress through the court of law.***

#### **Implementation status**

70. The operation has so far removed about 500 unsafe structures. No school has so far been affected by the exercise to date.
71. **The Company also reported that at the time of submission, there were five (5) different cases filed in court as follows;**
- a) *Nairobi ELC No. 94 of 2019; Charles Mukoma & 99 others –vs- KPLC*
  - b) *Nairobi CMCC No. 2303 of 2019; Laurence Ochieng & 4 others \_vs- KPLC*
  - c) *Nairobi ELC No. 171 of 2019; Robert Odera & 576 others –vs- KPLC*
  - d) *Milimani CMCC No. 1657 of 2019; Vincent Arabai Erista & 26 others –vs- KPLC*
  - e) *Kisumu ELC No. 50 of 2019; Henry Ondieki & 4 others –vs- KPLC*
  - f) *Kisumu ELC No. 50 of 2019; Henry Ondieki & 4 others –vs- KPLC*



## MINISTRY OF INDUSTRIALISATION, TRADE & ENTERPRISE DEVELOPMENT

### 10.0 RESOLUTION THAT THE GOVERNMENT PUTS IN PLACE MEASURES TO BRIDGE THE HUGE TRADE DEFICIT

#### 10.1 Background

72. The motion was proposed by Hon. Maj. (Rtd) John Waluke, M.P and was passed by the House on Wednesday, 31st July, 2019, and was communicated to the Ministry of Industry, Trade and Cooperatives on 31st July, 2020 for action. The State Department for Trade and Enterprise Development submitted the status of implementation of the resolution on 9<sup>th</sup> October, 2020 (*Annex III G*).

#### 10.2 Implementation status

73. On government interventions to bridge the huge trade deficit: The State Department of Trade avers that the Government has an incentive regime cutting across all sectors of the economy. The incentive regime is usually subjected to review from time to time to examine its effectiveness and relevance. Fiscal and non-fiscal incentives are available to potential investors. They include; capital deductions, industrial building deductions, formworks deductions, wear and tear deductions, and investment deductions.
74. On Trade facilitation measures: Since 2014, the Government has adopted an aggressive and well-targeted reform business agenda to improve the trade environment and attract the much-needed Foreign Direct Investment (FDI). To this effect, the Government working closely with World Bank and other partners, put an elaborate reform agenda to facilitate and monitor the ease of doing business trajectory in the country. Other trade facilitation measures undertaken or undertaken by the Government to improve the business environment and improve the trade deficit include the following: Development of LAPSSET Corridor; Commissioning of the Mombasa Port Community Charter intended to ensure the realization of the full trade potential of the Mombasa Port Corridor. The charter seeks to commit the parties towards significantly improved efficiency and competitiveness of the Northern Corridor; Opening up of special economic zones at Dongo Kundu, Kisumu, Marsabit and Isiolo; Commissioning of internal container depots at Voi, Embakasi and Naivasha; Construction of new pipelines (Line 3- Mombasa- Nairobi, and Line 4 - Nairobi Eldoret pipeline); Development of bus rapid transport system; and Fast-tracking of the blue economy.
75. On competitive export promotion strategies to enhance market access: The country has pursued an aggressive market access policy to realise this. The market penetration strategy has seen the Government pursue several regional and global integration initiatives. These include national trade commitments at the World Trade Organization (WTO), East African Community (EAC), Common Market for East and Southern Africa

(COMESA), Tripartite Free Trade Area between EAC, COMESA and SADC, African Continental Free Trade Area (AfCFTA), EAC-EU EPA arrangement, USA AGOA Preferential Market Access Initiative and numerous other Bilateral Trade Agreements with Kenya's trade partners.

76. With an expanded regional and global market opportunities, the country has to develop a long-term strategy capable of increasing global presence and safeguarding and expanding her market share, dubbed The Integrated National Export Development and Promotion Strategy (INEDPS), which provides a stronger link that the country needs to efficiently exploit its trade opportunities at the regional and global trade levels.

### **10.3 committee Observation**

77. The Committee observed that the country has enough policies and legislations to facilitate trade and as such they require implementation.

### **10.4 Challenges**

78. The State Department of Trade presents the following as challenges faced in implementing the motion. Internal Challenges include Inadequate budgetary allocations; Influx of sub-standard, counterfeits and contraband goods; Access to Credit Facilities; Unfavourable Business Environment; High cost of energy; Low level of awareness on Regional Integration Opportunities/Benefits; Difficulties in regulating e-Commerce and e-Business; Weak Business membership Organizations (BMO's); and Weak Compliance with International Regulations. External Challenges include: Multiple Trade Regulations and Non-Tariff Barriers in foreign markets, the rising wave of protectionism in Europe, the USA and Asia and volatility in the international market.

### **10.5 Committee Recommendation**

79. Kenya's main exports do not earn enough to compensate for imports hence the trade deficit. Though the consumption has been characterized by a high propensity to consume imported products, there is a need for the Government to promote change of this inclination to consumption of more local products.



## REPORTS OF THE SPECIAL FUNDS ACCOUNTS COMMITTEE

### 11.0 THE REPORT OF THE SPECIAL FUNDS ACCOUNTS COMMITTEE ON THE EXAMINATION OF THE REPORT OF THE AUDITOR GENERAL ON THE FINANCIAL STATEMENTS FOR THE POLITICAL PARTIES FOR THE YEAR ENDED 30TH JUNE 2017

#### 11.1 Background

80. The Special Funds Accounts Committee discussed the Audited Financial Statements for the Political Parties Fund for the year ended 30<sup>th</sup> June, 2017 on 3<sup>rd</sup> July, 2018. The House adopted the Committee recommendations on 13<sup>th</sup> November, 2018.

#### 11.2 Committee Recommendations

81. The Special Funds Accounts Committee made the following recommendations:

- i) **THAT** the Registrar of Political Parties ensures implementation of the Information Conformity and Disaster Recovery Plan during the financial year 2018/19; and
- ii) **THAT** the cabinet secretary, National Treasury and Planning complies with the provisions of section 24 (1) (a) of the Political Parties Act, 2011 that provides that sources of Political Parties funds be "*not less than zero points three per cent of the revenue collected by the national government as may be provided by Parliament.*"

#### 11.3 Implementation status

82. The Registrar of Political Parties made a written submission vide a letter dated 9<sup>th</sup> October, 2020, referenced RPP/ADM/8/9(14) (*Annex III H*) on the following as the status of implementation: -

- a) **On Recommendation that the Registrar of Political Parties ensures implementation of the Information Conformity and Disaster Recovery Plan during the financial year 2018/19**

#### Action Taken

83. Following the Recommendation, the Registrar of Political Parties developed Terms of Reference (TORs) to procure an off-site backup and submitted the same to the Ministry of ICT to procure the off-site backup through letter Ref. No. RPP/QDM/7/4 VOL.II (39) dated 27<sup>th</sup> June, 2018. The ICT budgets were consolidated under the Ministry of ICT from FY 2018/19 through the Ministry of ICT Circular Ref. No. MICT/CONF/18/30/(A)/23 dated 13<sup>th</sup> June, 2018. The Ministry of ICT did not advise on the way forward on the procurement of the off-site backup and the availability of the budget.

84. In view of this, the Registrar sought assistance from the ICT Authority vide letter Ref. No. RPP/ADM/7/4 VOL.II (102) dated 16<sup>th</sup> October 2019, to utilize the backup infrastructure that the Government has already put in place to ensure recovery and business continuity in the event of a disruption of operations. The request was considered by the Authority vide letter Ref. No. ICTA/SS/9 dated 24<sup>th</sup> October 2019 and subsequently, a technical team was constituted to review the requirements and implement the same. Following a series of engagements between the Registrar and the Authority, an off-site backup was successfully implemented. This was communicated to the Registrar by the ICT Authority vide email dated 2<sup>nd</sup> October, 2020.

85. In addition, the Office has developed a Disaster Recovery Plan and Information and Communications Technology (ICT) Policy that covers standards, procedures and user controls to be adhered to in performing day to day operations.

#### 11.4 Committee Observation

86. Implementation of the resolution has been done.

**b) On the Recommendation that the Cabinet Secretary, National Treasury and planning complies with the provisions of section 24 (1) (a) of the Political Parties Act, 2011 that provides that sources of Political Parties funds be "not less than zero points three per cent of the revenue collected by the national government as may be provided by Parliament."**

The Office of the Registrar of Political Parties (ORPP) has been budgeting for the allocation of the Fund based on the provision of section 24 (1) (a) of the Political Parties Act, 2011 that provides that sources of Political Parties funds be "not less than zero points three per cent of the revenue collected by the national government as may be provided by Parliament".

87. The budget is presented to the Governance, Justice, Law and Order (GJLO) sector working group, where the ORPP falls under the Medium Term Expenditure Framework (MTEF) budgeting process. However, due to budgetary limitations within the GJLOs budget ceiling, the Office has not been allocated the requested Political Parties Fund (PPF) budget by the sector.

88. The table below indicates the amount requested Vs the allocation to the Fund for the financial years 2018/19 – 2020/21.

S/No.	Financial Year	Amount Requested	Amount Allocated	Deficit	Remarks
1.	2018/2019	2,770,000,000	671,190,000	(2,098,810,000)	-
2.	2019/2020	4,140,000,000	871,190,000	(3,268,810,000)	-

3.	2020/2021	3,777,000,000	995,240,000	(2,98,176,000)	The Kshs. 995,240,000 allocation includes Kshs. 200,000,000 as a court award.
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### 11.5 Committee observations

89. The Selection Committee on Implementation observed that since the establishment of the Political Parties Fund, the Fund had not received the zero point three per cent (0.3%) of the revenue collected by the national Government, as stipulated under Section 24 of the Political Parties Act, 2011.

### 11.6 Committee Recommendation

90.

91. The National Treasury should allocate the Political Parties Fund zero point three per cent (0.3%) of the revenue collected by the national Government, as stipulated under Section 24 of the Political Parties Act, 2011.

## **12.0 THE REPORT OF THE SPECIAL FUNDS ACCOUNTS COMMITTEE REPORT ON THE EXAMINATION OF THE REPORT OF THE AUDITOR-GENERAL ON THE FINANCIAL STATEMENTS FOR UWEZO FUND FOR THE FINANCIAL YEAR 2016/2017**

### **12.1 Background**

92. The Special Funds Accounts Committee tabled the Report on the Audited Financial Statements for Uwezo Fund for the year ended 30<sup>th</sup> June 2017 on 31<sup>st</sup> October 2019. The House adopted the Committee recommendations on 13<sup>th</sup> November 2019. The Fund wrote to the Committee on Implementation on 23<sup>rd</sup> July, 2020 (*Annex III I*) giving written submissions on the status of implementation of the SFAC recommendations. The Fund also appeared before the Committee on 11<sup>th</sup> November, 2020.

### **12.2 Committee Recommendations and Implementation Status**

#### **I. Recommendation on Audit Query No. 1: Accuracy of the Financial Statements**

93. **THAT**, the Committee has considered the first audit query recommends that the accounting officer of the Fund ensures compliance with international public sector accounting standards (IPSAS) and section 68 of the Public Finance Management Act, 2012.

#### **Implementation Status**

94. The Fund submits that it has provided satisfactory explanations on the adjustments made in the final financial statements on the balances and is in observance of the International Public Sector Accounting Standards (IPSAS) and provisions to section 68 of the Public Finance Management Act, 2012.

#### **Committee Observation**

95. The implementation of the resolution has been done.

#### **II. Recommendation on Audit Query No. 2: Bank and Cash Balances**

96. The Committee, having considered the audit query recommended –

- (i) that the accounting officer of the Fund ensures compliance with the International Public Sector Accounting Standards (IPSAS) and provisions to section 68 of the Public Finance Management Act, 2012; and
- (ii) The accounting officer undertakes reconciliations of the remaining 222 bank accounts and forwards to the auditor general the verification within three months of adopting the Report by the House.

#### **Implementation Status**

97. To ensure compliance with the International Public Sector Accounting Standards (IPSAS) and provisions to section 68 of the Public Finance Management Act, 2012, the Fund has since received and compiled additional bank reconciliation reports and the bank

balances from constituencies. The Fund has so far received bank reconciliations from various constituencies that amount to Kshs. 1,101,312,260.10. This translates to 75% of the 1,475,308,695 bank balance reported in the financial statement as of 30<sup>th</sup> June 2017.

#### **Observation**

98. Implementation of the resolution is ongoing.

#### **III. Recommendation on Audit Query No. 3: Loans to groups**

99. The Committee recommended that the accounting officer complies with section 62 of the Public Audit Act, 2015 and regulation 90 of the Public Finance Management (National Government) Regulations, 2015.

#### **Implementation Status**

100. To comply with the provisions of section 62 of the Public Audit Act, 2015 and Regulation 90 of the Public Finance Management (National Government) Regulations, 2015, the Fund has since put in place reporting mechanisms to ensure submission of constituencies' loan listing since inception. So far, the Fund has initiated the submission of loan listing returns from constituencies to support the figure of Kshs. 3,931,876,732.00 that is reported in the financial statements for the financial year 2016/17. Submission of the full Report was interrupted/ hampered by the Covid-19 pandemic. Returns of debtor's ledger are herein provided.

#### **Observation**

101. Implementation on-going.

#### **IV. Recommendation on Audit Query No. 4: Work-In-Progress**

102. The Committee recommended that the Director of Criminal Investigation investigate the accounting officer of the Fund for failure to implement the project.

#### **Implementation Status**

103. The Fund submitted that the payment of the 1<sup>st</sup> instalment of Kshs. 19,522,765 (being 40% of the contract sum) was done in honour of the Fund's contractual obligation vide paragraph 1.6.1 of the contract terms spelt in Tender no. UWZ/RFP/040/2014/2015. As earlier submitted, the contract had not been terminated as it runs for 24 months. By the close of the financial year, the supplier had done a fractional requirement design to deliver the software for testing.

104. Further, the contract was not called off in consultations with relevant offices delayed the progress. The Head of Public Service through a letter reference OC.CAP/14/21A dated December 2017, had given a directive that the Affirmative Funds would be merged. This

directive delayed the appointment of Board members to deliberate on the matter and provide a way forward conclusively.

105. Nevertheless, since the annulment of the Biashara Kenya Fund Regulations 2019 and the revocation orders of PFM (Uwezo Fund) Regulations, 2014 by the National Assembly Select Committee on Delegated Legislation, the Board embarked on reviewing the contract and has undertaken consultation with relevant offices to regularize the contract.

106. Upon establishment of the Board, Fund Management sought guidance on the implementation of ERP from the Board. In order to realize value for money of Kshs. 19,522.765.00 so far paid, the Board in its meeting held on 10<sup>th</sup> January, 2020 and 18<sup>th</sup> March, 2020 resolved to revive the implementation of the ERP project. The Board advised the Management to fast track the administrative implementation procedures of the project from the relevant Ministries, Departments and Agencies. The management has since communicated the Board's decision to revive and renegotiate the Contract to Ms Coretec Systems and Solutions Limited to the relevant authorities including the Public Procurement Regulatory Authority, Ministry of ICT & Innovation, ICT Authority and Office of the Attorney General.

#### **Observation**

107. The Committee was satisfied with the submission regarding the delay of the project.

#### **Committee recommendation**

#### **V. Recommendation on Audit Query No. 5: Constituencies Administration Costs**

108. The Committee recommended that the accounting officer complies with section 62 of the Public Audit Act, 2015 and regulation 90 of the Public Finance Management (National Government) Regulation, 2015.

#### **Implementation Status**

109. To comply with the provisions of section 62 of the Public Audit Act, 2015 and Regulation 90 of the Public Finance Management (National Government) Regulation, 2015, the Fund has since compiled expenditure returns of amounts of Kshs.86,844,074 from the constituencies to support the item of administrative costs. This translates to 66% of Kshs. 131,036,007 reported as administration cost in the financial statements. The Fund is gathering more expenditures returns that are remaining from the constituencies that have not submitted. Submission of all expenditure returns was interrupted by the Covid-19 pandemic. The returns so far received are now available for confirmation.

#### **Observation**

110. Implementation of the resolution has been done.



## **VI. Recommendation on Audit Query No. 6: Outstanding Imprest**

111. The Committee, having considered the audit query, recommended that

- i) The officers be compelled to pay back the amounts with interest at the prevailing Central bank rates pursuant to regulation 93 (6) of Public Finance Management (National Government) Regulation, 2015.
- ii) The accounting officer of the Fund should ensure recovery of the outstanding imprest from the officers within three months of the adoption of the Report by the House.
- iii) Where the outstanding imprest is not recovered as stipulated, the accounting officer of the Fund should be surcharged in accordance with the regulation 93(7) of the Public Finance Management (National Government) Regulation, 2015.

### **Implementation Status**

112. To implement the recommendations of the Committee on outstanding imprest, the Fund wrote to the Accounting Officers managing the payroll of the officers to recover the outstanding imprest held by them from their salaries. The Fund submits that outstanding imprest in the amounts of Kshs. 319,902.00 held by some officers have been recovered from their salaries and FO 17 confirming recovery are available for confirmation. However, outstanding imprest in the amounts of a further Kshs. 231, 900 of Kshs. 357,890.00 held by some officers are yet to be recovered and reminder letters for recovery have been drawn to respective Ministries. On further follow-up, one officer with an outstanding imprest of Kshs. 199,050 is on interdiction and another officer whose outstanding imprest of the amounts of Kshs 44,094 was recovered. Copies of reminder letters demanding recovery of the outstanding imprest for the respective officers are available for confirmation.

### **Committee observation**

113. Implementation on-going.

### **Committee recommendation**

114. The accounting officer should ensure that the outstanding imprest is recovered within three (3) of adoption of this Report.

**VII. Recommendation on Audit Query No. 8: Board of Directors – Composition and Meetings**

115. The Committee recommended that the Cabinet Secretary responsible for the Fund ensure that the Board is properly constituted and functional pursuant to regulation 5 of the Public Finance Management (Uwezo Fund) Regulations, 2014.

**Implementation Status**

116. As submitted earlier, the Head of Public Service through a letter OC.CAP/14/21A dated December 2017 had given direction that all affirmative funds be merged and further directed that filling of Board positions be put on hold. However, since the merger of the affirmative funds was annulled by National Assembly's Select Committee on Delegated Legislation, the Cabinet Secretary constituted Uwezo Fund Oversight Board vide Kenya Gazette Notice Vol. CXXI-No. 139 of 17<sup>th</sup> October, 2019. In view of this, the Board is currently properly constituted and is strategically making decisions for the Fund as per the regulations. In compliance with the *Mwongozo* Code of Governance for State Corporations, the Board Constituted and operationalized four Board committees with specific terms of reference, namely, Programmes and Publicity Committee, Finance and Resource Mobilization Committee, Human Resource and Administration Committee and Audit and Risk Management Committees to assist the Board.

**Observation**

117. Implementation of this resolution has been done.

**VIII. Recommendation on Compliance with the Public Finance Management Act, 2012**

118. The Committee recommended that the accounting officer of the Fund should ensure compliance with section 62 of the Public Audit Act, 2015 and section 68 of the Public Finance Management Act, 2012 by submitting relevant supporting documents for audit review.

**Implementation Status**

119. The Fund regrets that it did not provide Auditors with documents for audit review in good time. This was because the Funds accounting operations are purely maintained manually in both the head office and at the constituency level. Further, some of the supporting documents required for audit review are prepared by the Sub-county accountants, who in many cases fail to submit them to the head office in good time for the Fund to avail them during the time of audit. The Fund has made reasonable efforts to have these documents submitted by the Sub-county accountants by seeking intervention from the National Treasury.



## **Observation**

Implementation of the resolution is ongoing.

### **IX. Recommendation on Loans Disbursed to Groups**

120. The Committee observed that the Fund advanced loans of approximately Kshs. 4 Billion since inception in 2014/15 to various groups, whose details such as debtors' listings were not availed for audit review. Consequently, the accuracy, validity and recoverability of loans advanced to groups is doubtful, and subsequently recommended that the Accounting officer of the Fund ensures compliance with section 62 of the Public Audit Act, 2015 and section 68 of the Public Finance Management Act, 2012.

### **Implementation Status**

121. In compliance with section 62 of the Public Audit Act, 2015 and section 68 of the Public Finance Management Act, 2012, the Fund has put the necessary mechanism to obtain valid and accurate loan details from the constituencies for audit review.

122. Comprehensive details of all loans advanced by the Fund are maintained at the constituencies, which are the expenditure points for the Fund. These details indicate the identity of groups whose loans are advanced to, the amounts loaned to them, their monthly repayments, and the outstanding amounts. Given the manual operation of the Fund, submission of this information is delayed.

123. To improve this, the Fund has put in place the following measures to;

- i) Trained the Secretariat staff charged with preparing the loan documents on a valid and accurate preparation of the reports.
- ii) Developed and shared standardized reporting templates for the loan details.
- iii) Strengthened the reporting mechanism by incorporating supervisors at the parent department of the officers involved in the Secretariat duties.

## **Committee Observation**

124. Implementation of this resolution is ongoing.

### **X. Recommendation on Gazettement of Committees at the Constituency Level**

125. The Committee recommended that the Cabinet Secretary responsible for the Fund should ensure timely gazettement of the names of the persons constituting the Constituency Uwezo Fund Management Committees (CUFMCs) pursuant to Regulation 15 (5) of the Public Finance Management (Uwezo Fund) Regulations, 2014.

### **Implementation Status**

126. By the time of the Audit, some constituencies had not submitted nominees to the Cabinet Secretary for gazettelement. However, through the Cabinet Secretary, the Board has done reminders to Parliament and engaged the respective Members of Parliament directly and through parliamentary Caucus groups.

127. The Fund reported that 275 constituency committees had been gazetted at the time of reporting, nine are being processed by the Attorney General and only six are yet to comply.

### **Committee Observation**

128. Implementation is ongoing.

### **XI. Recommendation on Fifty Per cent (50%) Repayment Threshold on Loans**

129. The Committee observed that Uwezo Fund Board resolution on the threshold of fifty per cent repayment of loans was punitive. The policy implies that the fund can only replenish loans to a constituency when recovery is at least fifty per cent. Thus the Committee recommended that the Uwezo Fund revive the policy on the constituency.

### **Implementation Status**

130. The Board in its meeting held on 4<sup>th</sup> December, 2019 vide Min. UWZ/BRD/21/02/12/19 resolved that constituencies should: -

- i) Prioritize refinancing groups that have fully repaid the initial/subsequent loan amounts in constituencies where the repayment rate is below the 50% threshold.
- ii) Upon satisfactory evaluation by the CUFMCs, recommend groups that have demonstrated efforts to repay their initial loans to at least 75% but have not been able to clear due to circumstances deemed valid by the CUFMCs. As such, the group unpaid loan balances shall be deducted upfront from their new loans upon approval by the Board; and
- iii) Allow gradual loaning of new groups in the constituencies to optimum amounts proportionate to the product of the repayment rate and amounts repaid.

### **XII. Recommendation on Facilitation of Constituency Uwezo Fund Management Committees**

131. The Committee recommended that-

- (i) The Fund set aside not more than five per centum of the amount disbursed to a constituency for purposes of monitoring, evaluation and administrative costs for the Constituency Uwezo Fund Management Committees; and

- (ii) The Cabinet Secretary issues guidelines on allowances for members of Constituency Uwezo Fund Management Committees within three months of the adoption of the Report.

### **Implementation Status**

132. The Fund averred that the Constituency Uwezo Fund Management Committees are not adequately facilitated to undertake their mandate effectively. This is due to the diminishing allocation of administration Fund from the exchequer.

133. The formula to allocate administration funds to the constituencies is derived from Regulation 18 (1) which states that the initial capital of the Fund shall be allocated as follows—

(a) a one-off three per cent administration fee shall be charged on the total fund allocated and shall be retained by the Board for purposes of facilitating both national and constituency level administrative functions; (b) an amount not exceeding eight per cent shall be earmarked for capacity building of the Fund beneficiaries and target groups; (c) for the balance of the Fund to constituencies—

(i) seventy five per cent shall be allocated equally across all constituencies; (ii) twenty five per cent shall be disbursed based on the Kenya National Bureau of Statistics poverty index for equalization purposes.

134. For the Fund to amend the administration allocation to the constituencies, it will then require a review of the regulations, which is currently ongoing. The Board initiated an engagement with the National Assembly Departmental Committee on Labour and Social Welfare to amend Uwezo Fund Regulations to accommodate these provisions and enhance the Board's funding. The meeting was scheduled to be held in March 2020 but was postponed due to the Covid-19 pandemic.

135. The National Treasury guided the current allowances paid to the committees during the inception of the Fund. However, the Board is in consultation with the Salaries and Remuneration Commission seeks to review the allowances payable to Committee members as indicated in a letter reference UWZ/HR/003/1/A/35 and SRC/TS/CBT/3/3 VOL. VI (68) dated 26<sup>th</sup> February, 2020. Upon receipt of the advice from the Commission, the Cabinet Secretary will issue a detailed guideline on the remuneration of the Constituency Management Committee members.

### **XIII. Recommendation on Proper Financial Reporting**

136. The Committee recommended that the Fund employs its officers at the constituency level for proper financial reporting.

### **Implementation Status**

137. The Fund confirms that it is true that the Fund did not comply with IPSAS in their financial reporting from the constituencies. As per Regulation (5) of the Public Finance Management (Uwezo Fund) Regulations, 2014, the Cabinet Secretary shall provide such public officers as may be necessary for secretariat services to the Board.
138. Regulation 15, 2 (d) provide that the sub-county representative of the national government Ministry responsible for youth and women affairs, who shall be an ex-officio member and the secretary to the Committee; 15,(7), the Constituency Development Fund Manager, one officer from the Ministry and the sub-county development officers shall provide the necessary secretariat services to the Committee. 15, (8). The Secretariat shall be primarily responsible for ensuring compliance with the set guidelines on managing the Fund, facilitating the disbursement of the funds, and recovering the same.
139. The Board initiated the process of amending the legal instruments establishing the Fund to allow the Board to employ its staff. In view of this, the Board developed the necessary Human Resource instruments guiding on staff requirements, remuneration structure and the Board Human Resource Manual.

### **Observations**

140. Implementation on-going.

### **12.3 General observations from the Report**

141. The Committee on Implementation observed that, the Fund had been facing some challenges in its endeavour to implement the above recommendations that include:
- i. The Fund does not have its staff both at the Secretariat and constituency level; instead, it relies on officers from other departments to implements its programmes.
  - ii. With the outbreak of the Covid-19 pandemic, the Fund has not been able to make a follow up on recommendations.
  - iii. The Fund operates on a manual basis that is slow, thus hampering the recommendations given by the Committee.

### **12.4 Committee recommendations**

142. The Committee recommends the following:

- (1) There is a need to Fast-track amendment of the Public Finance Management Act, 2012 to cater for the following issues:

- (i) The Fund to employ its officers at the constituency level for proper financial reporting;

- (ii) The Fund to set aside not more than five per centum of the amount disbursed to a constituency for purposes of monitoring, evaluation and administrative costs for the Constituency Uwezo Fund Management Committees;
  - (iii) Harmonizing Uwezo Fund Oversight Board meetings and Constituency Uwezo Fund Management Committees meetings;
  - (iv) Constituency Uwezo Fund Management Committees allowances and benefits;
- (2) The National Treasury should, in the Financial Year 2022/2023, enhance resource allocation to the Fund commensurate to its mandate and ensure the provision of efficient and effective service delivery that meets the expectations of Kenyans; The Fund should therefore be allocated Kshs. 1,304,850,000 for it to operate effectively. Kshs. 598,850,000 will be used to facilitate the operations of the Constituency Uwezo Fund Management Committees, Kshs. 202,000,000 to facilitate Boards operations and Kshs. 504,000,000 as top-up loans to groups to 290 constituencies.
- (3) The Fund should automate its systems to effectively and efficiently carry out its mandate within given timelines.

### **13.0 REPORT OF THE DEPARTMENTAL COMMITTEE ON EDUCATION & RESEARCH ON ITS CONSIDERATION OF THE PETITION REGARDING ALLEGED FAILURE BY TSC TO PROMOTE TEACHERS IN SAMBURU COUNTY AND ITS ENVIRONS**

#### **13.1 Background**

143. The Petition was tabled by the Hon. Alois Lentoimaga, M.P, the Member for Samburu North Constituency on behalf of residents of Samburu North on 18<sup>th</sup> June, 2019. The Petition was referred to the Departmental Committee on Education and Research, which tabled its Report on 5<sup>th</sup> December, 2019.

144. The Petitioners had prayed that the National assembly through the Departmental Committee of Education and Research;

- 1) Inquire why teachers from northern Kenya have overstayed in their current Job Groups J to L for as long as 5 years without being promoted;
- 2) Explore possibility for applying the principle of affirmative action to promote heads of schools for the local schools from among the local teachers willing to serve in Northern Kenya, as soon as possible to improve standards and boost the morale of the affected teachers; and
- 3) Makes any other order or direction that it deems fit in the circumstances of the matter.

#### **13.2 Submission by the Teachers Service Commission on the implementation status**

145. The Select Committee on Implementation received written submission from the Teachers Service Commission on 27<sup>th</sup> July, 2020 (*Annex III J*) and met with the Commission on 2<sup>nd</sup> December, 2020, regarding the implementation status of the recommendations of the Petition report. The Commission submitted as follows:

- I. On the Recommendation that in promoting and/or appointing teachers to administrative positions, the Teachers Service Commission should adhere to the constitutional principles of fair competition, merit, integrity, transparency and impartiality, the relevant laws such as Teachers Service Commission Act, No. 20 of 2012, the Code of Regulation for Teachers, the Code of Regulations for Teachers, policies on the promotion of teachers to ensure equity and fairness;*



### **Implementation status**

146. The Teachers Service Commission reported that being a Constitutional body, is bound by the provisions of Article 232 of the Constitution that provides for the values and principles of public service. In discharging its mandate in the promotion of teachers, the Commission has endeavoured to apply the principle of fair competition and merit as the basis of appointment and promotion.
147. Accordingly, all promotion vacancies are filled competitively with the objective to promote national values, fairness, non-discrimination and equity. The competitive nature of teachers' promotion is demonstrated through: advertisement of the vacant positions through print and electronic media; transparent shortlisting of candidates; Oral interviews and preparation of merit list; and selection and appointment based on available vacancies.
148. The Commission added that it pegs promotion of teachers on its Career Progression Guidelines subject to available vacancies and budgetary provisions, performance amongst other criteria. The promotions are guided by the constitutional principles of fair competition and merit, integrity, transparency and accountability, equity, fairness and impartiality, inclusiveness and non-discrimination, affirmative action, gender equity and regional balance.

### **Committee Observation**

149. Implementation has been done.

*II. On the recommendation that the Commission should continue to apply the Principles of regional balance and affirmative action and customize selection criteria to facilitate career progression and professional development of teachers from ASAL and other marginalized areas:*

### **Implementation status**

150. The Chief Executive Officer submitted that the Commission had incorporated the constitutional principle of Affirmative Action in its Policies and Practices. The Commission appreciates that some schools are located in arid and semi-arid areas (ASAL) and hard to staff areas. Accordingly, and notwithstanding the guidelines, the Commission applies affirmative action in the promotion of institutional administrators in such areas.
151. The Commission added that it had taken deliberate steps to ensure that ASAL areas are not disadvantaged in appointing and promoting teachers to various grades and positions.

## Observation

152. Implementation of the resolution has been done.

*III. On the recommendation that the Commission should conduct an audit on promotion and appointment of teachers in Samburu County and other ASAL areas alongside the ongoing situational analysis on the staffing norms in the ASAL areas to establish whether there are teachers who have overstayed in the same Job Group or in acting positions inordinately and take corrective measures.*

## Implementation status

153. The Chief Executive Officer submitted that following the Affirmative action initiated by the Commission in June 2017, a number of teachers in ASAL areas and other hard to staff areas have been promoted and appointed to various administrative posts based on the affirmative action principle.

154. She added that the Commission undertook a situational analysis of the staffing situation in all ASAL areas. This was intended to enable the Commission to customize its selection criteria when vacancies are advertised to care for the teachers in ASAL areas. Pursuant to the situational analysis conducted by the Commission and the recommendations of the House, the Commission advertised various vacancies targeted for ASAL areas. All teachers who have stagnated in one job Group were instructed to apply.

155. Notably, to ensure equity and fairness in the promotion of teachers, the Commission has waived the requirement of at least three years' service in one Job Group before consideration for promotion strictly for teachers serving in ASAL and hard to staff areas in the country.

156. The Chief executive officer also reported that only 800 of the project 1,113 applied despite the aforementioned advert. The Commission took the initiative to ensure that all the 1,113 teachers are interviewed and at the time of the meeting, the interviews had been slated to take place from 7<sup>th</sup> to 18<sup>th</sup> December, 2020.

157. She further submitted that due to the advert, 134 teachers from ASAL areas were promoted and 297 teachers from ASAL and hard to staff areas have been shortlisted for interviews.

158. She assured the Committee that it would not hesitate to invoke the constitutional principles of affirmative action, equity, regional balance and fairness during selection, appointment and promotion of teachers as it has always done in the past.



#### **Committee observation**

159. Implementation of the resolution has been done.

- IV. *The Commission should decentralize its function of promotion of Teachers to the Commissions County offices as much as possible to enhance transparency and equity in the process;***

#### **Implementation status**

160. The Commission submitted that pursuant to section 20 of the TSC Act and in view of the Commission's strategic pillar on the re-engineering of its processes, the Commission on 18<sup>th</sup> February, 2020 directed that the appointment and deployment of institutional administrators be decentralized to be undertaken at the regional and county levels.

161. Decentralization of this function is in tandem with the provisions of Article 6 of the Constitution and will bring services closer to teachers.

- V. *On the recommendation that the Commission should include in its policy document clear guidelines for the promotion of teachers who pursue higher education and attain higher academic qualification;***

#### **Implementation status**

162. In consultation with the Salaries and Remuneration Commission (SRC), the Commission submitted that it had conducted a Job Evaluation (JE) for the Teaching service in the year 2015/2016. Based on the findings of the Job Evaluation, SRC submitted recommendations on a new grading structure and remuneration of teachers.

163. Following the Job Evaluation Report, TSC signed a Collective Bargaining Agreement (CBA) on the 25<sup>th</sup> and 26<sup>th</sup> October, 2016, with the Teachers' unions, namely Kenya National Union of Teachers (KNUT) and Kenya Union of Post Primary Education Teachers (KUPPET). The CBAs were registered in the Labour relations Court on 30<sup>th</sup> November, 2016.

164. Even with the introduction of responsibility based grading system, the Commission has provided in the Career progression guidelines and the Policy of Appointment of Institutional Administrators the requisite academic and professional requirements for each job. The Commission has made a policy to promote 1,000 teachers with the requisite qualifications and deploy them to secondary schools every year.

- VI. *On the recommendation that the Commission should issue letters of Promotion to teachers who were promoted to the new salary grades with effect from 1<sup>st</sup> July, 2017 following the signing of the CBA;***

165. In compliance with the above Recommendation, all institutional administrators have been issued the requisite appointment letters.

**Committee Observation**

166. The Committee observed that the implementation of House resolutions on the matter had been done.

## **14.0 REPORT ON PETITION REGARDING NON-PAYMENT OF HARDSHIP ALLOWANCE TO TEACHERS IN TAITA TAVETA COUNTY**

### **14.1 Background**

167. The Petition was tabled by the Hon. Dan Mwashako, the Member for Wundanyi Constituency on behalf of residents of Taita Taveta County on 7<sup>th</sup> May, 2019. The Petition was referred to the Departmental Committee on Education and Research, which tabled its Report on 5<sup>th</sup> December, 2019. The Petitioners had prayed that the National Assembly through the Departmental Committee of Education and Research;

- 1) Find out the factors to consider an area as a hardship.
- 2) Find out if the factors in (a) above were considered to deny teachers working in Taita and Taveta sub-counties hardship allowance.
- 3) Petitions the National Government and the Teachers Service Commission to designate and gazette Taita and Taveta sub-counties as hardship areas within its powers.
- 4) Petitions the National Government and the Teachers Service Commission to designate and gazette Rong'e zone as part of Mwatate sub-county and Taita and designate and gazette it as hardship areas.
- 5) Petitions the National Government and the Teachers Service Commission to pay hardship allowance to all schools in Taita Taveta County.
- 6) Makes any other order or direction that it deems fit in the circumstances of the matter.

168. The Committee on Implementation received written submission from the Teachers Service Commission on 27<sup>th</sup> July, 2020 and further met with the Commission on 2<sup>nd</sup> December, 2020, as regards the implementation status of the recommendations of the Petition report.

### **14.2 Submission by the Teachers Service Commission and the Ministry of Public Service and Gender**

- I. *On the Recommendation that the Teachers Service Commission and the intergovernmental Agencies constituted by the Ministry of Public Service, Youth and Gender Affairs reviewing the hardship areas should, based on the ongoing study, align the administrative boundaries in accordance with County, constituency and ward boundaries to resolve the disparities of designation of hardship areas.*

### **Implementation status**

169. The Teachers Service Commission submitted that a review of Hardship areas in Kenya and the proposal to align the same with the County, Constituency and Ward boundaries is an enormous exercise requiring intergovernmental Agencies to visit all Counties in Kenya and prepare a comprehensive report for consideration by the executive. The same also needs a sufficient budget to cater for operational costs. Due to budgetary constraints, the intergovernmental Agencies Committee proposed to undertake the exercise before the close of the financial year 2020/2021.
170. The Ministry of Public Service and Gender submitted that a Countrywide visit of the designated Hardship Areas for data collection reviewing and harmonizing the same across the Public Service was planned to be undertaken in 2 phases to accommodate the cost implication within the budgetary allocation for the 2020/2021 FY. The Inter-Agency Team undertook the first phase of data collection between September, 2020 and October, 2020 while the 2nd and final phase would be conducted in March, 2021.

### **Committee observation**

171. Implementation on-going.

***II. On the Recommendation that the intergovernmental Agencies mandated to designate areas as hardship led by the Salaries and Remuneration Commission, the National Treasury and the Ministry of Public Service, Youth and Gender Affairs should visit Taita Taveta County within two weeks from the date of tabling the Report to study the factors considered for an area to be categorized as hardship area to address discrepancies in the designation of hardship areas in the County and report to the National Assembly within two months;***

### **Implementation status**

172. Following the above Recommendation, a subcommittee of the Inter-Agency Committee comprising of officers from the State Department for Public Service, Ministry of Interior & Coordination of National Government, Teachers Service Commission and Kenya National Bureau of Statistics visited Taita Taveta County in December, 2019 to ascertain the actual condition of the specified areas where the Kungu Primary School and Elijah Mzae Secondary School, both in Mwatate constituency, are located.

- 
173. Teachers serving at Kungu Primary School are now earning hardship allowance.

**Committee Observation**

174. Implementation of the resolution has been done.

**III. On the Recommendation that Intergovernmental agencies should conduct a countrywide review of all counties at the sub locational level to resolve the current discrepancies in designation and payment of hardship allowance to teachers and public servants;**

175. The Inter-Agency Team undertook the first phase of data collection between September, 2020 and October, 2020 while the 2nd and final phase would be conducted in March, 2021.

**Committee Observation**

176. Implementation on-going.

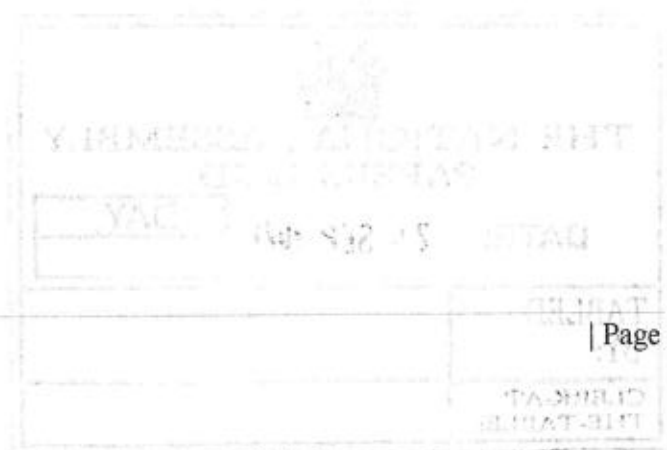
**IV. On the Recommendation that the Intergovernmental agencies should develop clear criteria on factors and threshold required for an area to be designated as a hardship area;**

**Implementation status**

177. The Committee was informed that the Inter-Agency technical Committee developed a Weighted Criteria/Survey Tool for data collection. A Team of five (5) officers including an officer from Kenya National Bureau of Statistics and Commission on Revenue Allocation, was constituted to validate the Survey Tool. The reviewed Survey Tool is being used in the countrywide field Survey; and the findings of the countrywide field survey will be based on the revised tool and weighted criteria.

**Committee observation**

178. The implementation of the resolution has been done.



**CHAPTER FIVE: COMMITTEE OBSERVATIONS & RECOMMENDATION**

**15.0 GENERAL OBSERVATIONS**

179. The Committee, during its Sittings, made the following observations that:


- 1) Most of the House resolutions were not accompanied by the requisite budget provisions, making it difficult for Ministries, Departments and Agencies to implement them.
- 2) Some agencies could not follow up on the implementation of some House Resolutions due to the outbreak of the Covid-19 pandemic.
- 3) There was a need for Committee's recommendations to be specific, measurable, and time-bound to facilitate smoother implementation of House Resolutions.

**16.0 GENERAL RECOMMENDATION**

180. The Committee recommends that the House considers the financial implications of House resolution before committing them for implementation and allocate adequate funds to the implementing agencies.

Signed  Date 28/09/2021

**Hon. Moitalel Ole Kenta, MP**  
**Chairperson**

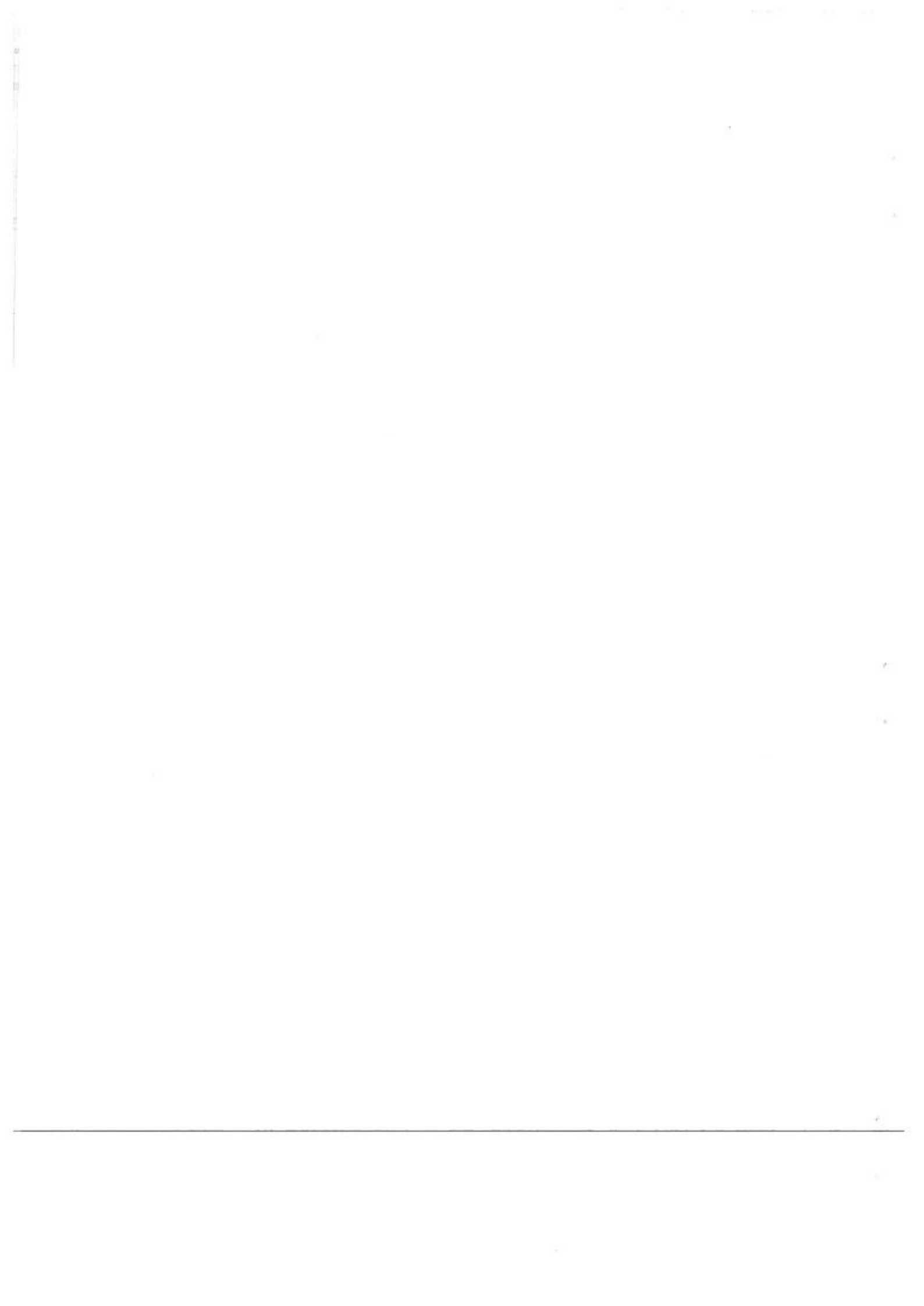
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<b>DATE: 28 SEP 2021</b> <table border="1" style="display: inline-table;"><tr><td style="width: 50px; text-align: center;"><b>DAY.</b></td></tr></table>		<b>DAY.</b>
<b>DAY.</b>		
<b>TABLED BY:</b>		
<b>CLERK-AT THE-TABLE:</b>		

# **ANNEXURES**





# **ANNEXURE I: MINUTES**



**MINUTES OF THE 34<sup>TH</sup> SITTING OF THE COMMITTEE ON IMPLEMENTATION HELD ON FRIDAY, 27<sup>TH</sup> AUGUST, 2021, IN THE BARAZA CONFERENCE HALL, WHITE SANDS HOTEL, MOMBASA, AT 2.30 P.M.**

**PRESENT**

1. The Hon. Moitalel Ole Kenta, MP - **Chairperson**
2. The Hon. Godfrey Osotsi, MP - **Vice Chairperson**
3. The Hon. Alois Musa Lentoimaga, MP
4. The Hon. Richard Onyonka, MP
5. The Hon. (Dr.) James Kipkosgei Murgor, MP
6. The Hon. Gabriel Kago Mukuha, MP
7. The Hon. Hassan Oda Hulufu, MP
8. The Hon. Joash Nyamache Nyamoko, MP
9. The Hon. John Muchiri Nyagah, M.P
10. The Hon. Joshua Mbithi Mwalyo, MP
11. The Hon. Benjamin Dalu Tayari, MP
12. The Hon. Peter Kihara, MP
13. The Hon. Silvanus Osoro, MP
14. The Hon. John Wanjiku, MP

**APOLOGIES**

1. The Hon. Johnson Many Naicca, MP
2. The Hon. Moses Kuria, MP
3. The Hon. Paul Simba Arati, MP
4. The Hon. Charles Ngusya Nguna, MP
5. The Hon. Feisal Bader, MP
6. The Hon. Jared Okello, MP
7. The Hon. Michael Kingi, MP
8. The Hon. Nelson Koech, MP
9. The Hon. Paul Odalo Abuor, MP

**IN-ATTENDANCE**

**SECRETARIAT**

1. Ms. Tracy Chebet Koskei - First Clerk Assistant
2. Mr. Abdirahman G. Hassan - Second Clerk Assistant
3. Mr. Donald Manyala - Research Officer II
4. Ms. Jane Serem - Audio Officer I
5. Mr. Moses Kariuki - Sergeant-at-arms

**MIN. NO.NA/COI/2021/158:**

**PRELIMINARIES**

The Chairperson called the meeting to order at thirty minutes past two o'clock and said the Prayer. The Agenda for the meeting was adopted, as proposed and seconded by the Hon. Silvanus Osoro, MP and the Hon. Benjamin Tayari, MP, respectively.

**MIN. NO.NA/COI/2021/159:**

**CONFIRMATION OF MINUTES**

Confirmations of the Minutes of the previous sitting were deferred to the next sitting.

**MIN. NO.NA/COI/2021/160:**

**ADOPTION OF THE 3<sup>RD</sup> OMNIBUS  
REPORT ON SUBMISSIONS FROM  
STAKEHOLDERS REGARDING  
IMPLEMENTATION STATUS OF  
INQUIRIES, PETITIONS AND  
RESOLUTIONS PASSED BY THE HOUSE**

The Committee deliberated on the 3<sup>rd</sup> Report on submissions from stakeholders regarding implementation status of Inquiries, Petitions and Resolutions passed by the House. The Report contained submissions on the implementation status of the following Reports and House Resolutions:-

- (i) The resolution that the Government urgently establishes programmes and interventions to encourage uptake of counselling services among individuals, families and communities to mitigate the effects of mental health disorders.
- (ii) The resolution that the Government institutionalizes diagnostic testing for Diabetes in workplaces and community setting, provides for education, prevention and subsidized routine diabetes screening and treatment and put in place measures to ensure an effective diabetes care system at all levels of health care.
- (iii) Report on the inquiry into land acquisition by Kenya Defence Forces for Establishment of Forward Operating Base in Narok County.
- (iv) Resolution on registration of farmers and formation of farmers and Agribusiness entities.
- (v) Report of the Departmental Committee on Agriculture and Livestock on the Inquiry into the challenges faced by the Coffee Research Institute.
- (vi) Report of the Departmental Committee on Education and Research regarding its consideration of the Petition on the release of examination results for Mr. Nicky Odongo Lubanga by the Kenya Medical Laboratory Technicians and Technologists Board.
- (vii) Report of the Departmental Committee on Energy on its consideration of the Public Petition regarding demolition of Houses in Chokaa, Mihango area, Embakasi East Constituency by the Kenya Power Limited.
- (viii) The resolution that the Government puts in place measures to bridge the huge Trade Deficit.

- (ix) The Report of the Special Funds Accounts Committee on the Examination of the Report of the Auditor-General on the Financial Statements for the Political Parties for the Year Ended 30<sup>th</sup> June 2017.
- (x) The Report of the Special Funds Accounts Committee on the Examination of the Report of the Auditor-General on the Financial Statements for Uwezo Fund for the Financial Year 2016/2017.
- (xi) Report of the Departmental Committee on Education and Research regarding its consideration of the Petition regarding alleged failure by TSC to promote teachers in Samburu County and its Environs.
- (xii) Report of the Departmental Committee on Education and Research regarding its consideration of the Petition regarding non-payment of hardship allowance to teachers in Taita Taveta County.

The Committee, following deliberations, unanimously adopted the Third Report on submissions from stakeholders regarding Implementation status of Inquiries, Petitions and Resolutions passed by the House, after it was proposed and seconded by the Hon. James Murgor, MP and the Hon. Hassan Hulofo, MP, respectively. The Committee made the following observations and recommendation—

**Committee observations**

1. Most of the House resolutions were not accompanied by the requisite budget provisions, making it difficult for Ministries, Departments and Agencies to implement them;
2. Some agencies could not follow up on the implementation of some House Resolutions due to the outbreak of the Covid-19 pandemic; and
3. There was a need for Committee’s recommendations to be specific, measurable, and time-bound to facilitate smoother implementation of House Resolutions.


**Committee Recommendation**

The Committee recommended that the House considers the financial implications of House resolution before committing them for implementation and allocate adequate funds to the implementing agencies.

**MIN. NO.NA/COI/2021/161:**

**ADJOURNMENT**

There being no other business, the meeting was adjourned at five o’clock (5.00 pm).

Sign.......... Date.....28/09/2021.....  
 (Chairperson)



## **ANNEXURE II: ADOPTION LIST**





The National Assembly



12<sup>th</sup> Parliament-5<sup>th</sup> Session-2021



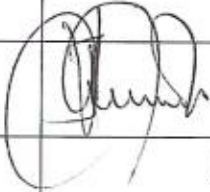
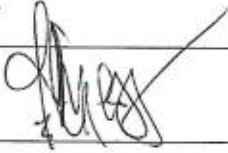


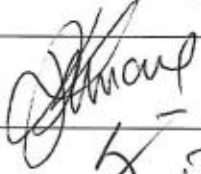
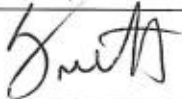
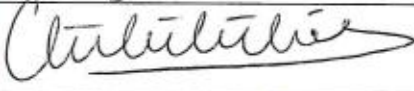
Committee on Implementation

Agenda: Adoption of the Third Omnibus Report on submissions from stakeholders regarding implementation status of House Resolutions

Venue: Sarova Whitesands Hotel, Mombasa

Date: 27/10/2021

S/NO.	NAME	SIGNATURE
1.	The Hon. Moitalel Ole Kenta, MP – Chairperson	
2.	The Hon. Godfrey Osotsi, MP - Vice Chairperson	
3.	The Hon. Richard Onyonka, MP	
4.	The Hon. Alois Musa Lentoimaga, MP	
5.	The Hon. (Dr.) James Kipkosgei Murgor, MP	
6.	The Hon. Johnson Many Naicca, MP	
7.	The Hon. Moses Kiarie Kuria, MP	
8.	The Hon. Paul Simba Arati, MP	

9.	The Hon. Charles Ngusya Nguna, MP	
10.	The Hon. Feisal Abdalla Bader, MP	
11.	The Hon. Gabriel Kago Mukuha, MP	
12.	The Hon. Hassan Oda Hulufu, MP	
13.	The Hon. Jared Okello, MP	
14.	The Hon. Joash Nyamache Nyamoko, MP	
15.	The Hon. John Muchiri Nyagah, MP	
16.	The Hon. Joshua Mwalyo Mbithi, MP	
17.	The Hon. Michael Thoya Kingi, MP	
18.	The Hon. Nelson Koech, MP	
19.	The Hon. Benjamin Dalu Tayari, MP	
20.	The Hon. Paul Abuor, MP	
21.	The Hon. Peter Kimari Kihara, MP	
22.	The Hon. Silvanus Osoro, MP	
23.	The Hon. John Njuguna Wanjiku, MP	

Committee Clerk

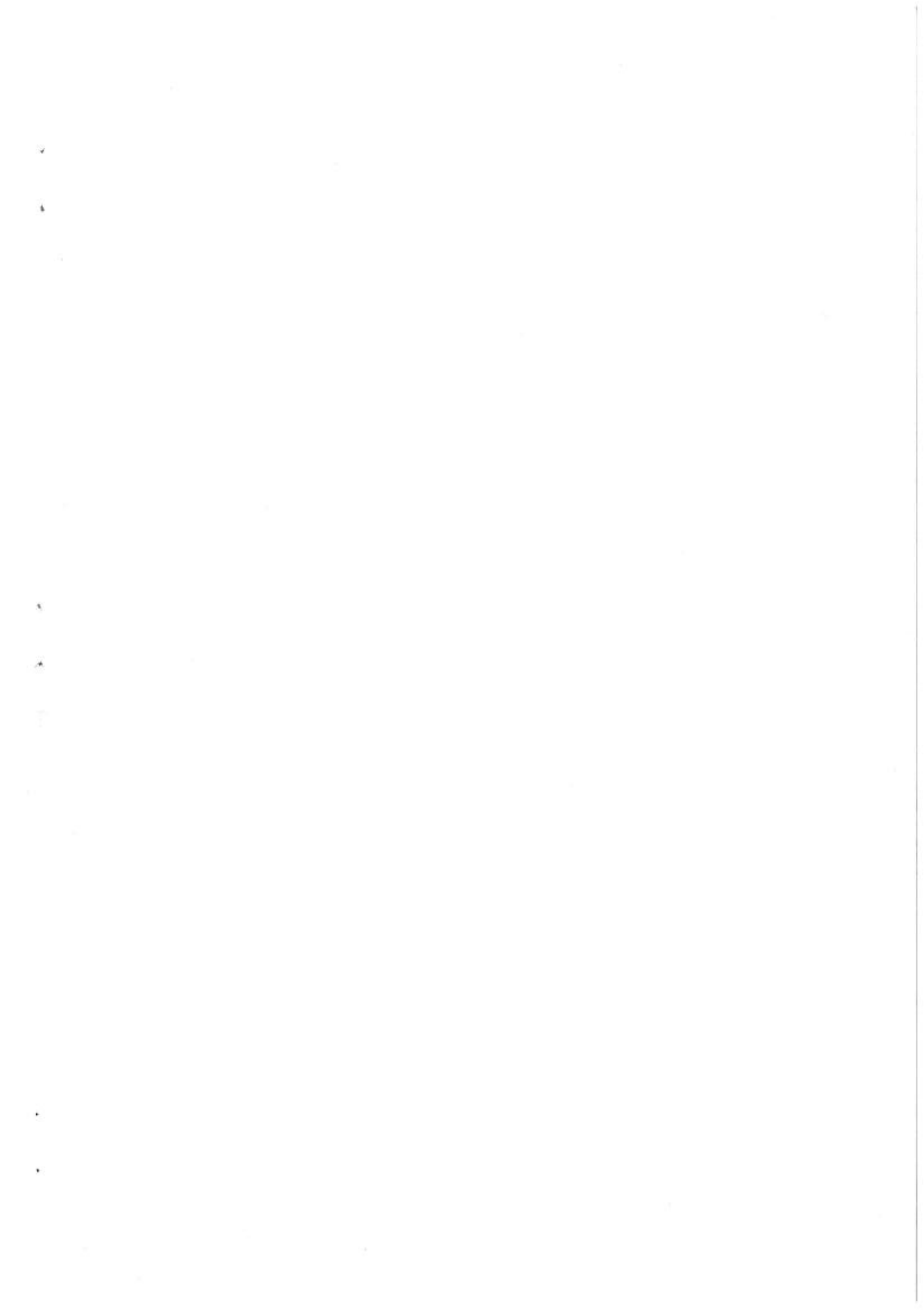
Name



(Signature)

Date





### **III A. Submissions from the Ministry of Health**

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**ANNEXURE III: SUBMISSIONS FROM STAKEHOLDERS**





## MINISTRY OF HEALTH

### **UPDATE TO THE SELECT COMMITTEE ON IMPLEMENTATION STATUS OF HOUSE RESOLUTIONS AS AT OCTOBER 2019**

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The Ministry received letters ref No. NA/DCS/COI/2019/ (59) and NA/DCS/COI 2019/ (109) dated 23<sup>rd</sup> July, 2019 and 1<sup>st</sup> October, 2019 respectively requesting for implementation status of various house resolutions as follows:

1. The resolution that the Government urgently establishes programmes and interventions to encourage uptake of counselling services among individuals, families, and communities to mitigate the effects of mental health disorders as communicated vide letter Ref. No. KNA/L&P/2018/RES.13/(010) dated 26<sup>th</sup> April 2018.
2. A resolution that the Government institutionalizes diagnostic testing for diabetes in workplaces and community setting, provides for education, prevention and subsidized routine diabetes screening and treatment and put in place measures to ensure an effective diabetes care system at all levels of health care as communicated vide a letter Ref. No. NA/DLP/TBO/RES.07/2019 dated 27<sup>th</sup> March 2019.
3. The Report of the Departmental Committee on Health on the Ratification of the Protocol to Eliminate Illicit Trade in Tobacco Products as communicated vide letter Ref. No. KNA/L&P/2019/CERY/01 dated January 2019.
4. The Report of the Committee on Health on Kenyatta University Teaching & Referral Hospital Project as adopted on 5<sup>th</sup> December 2018.
5. The Report of the Departmental Committee on Health on alleged irregular specialist recognition of Dr Samira Soni by the Kenya Medical Practitioners and Dentists Board as communicated vide a letter Ref. No. NA/DLP/TBO/RES.06/2019 dated 26<sup>th</sup> March 2019.

6. The report on a Petition regarding fraudulent medical bill issued by the MP-Shah hospital on account of the treatment of the late Matilda Anyango as communicated vide letter Ref. No. NA/DLP/PP/2018/29 dated 19<sup>th</sup> November 2018.
7. The report on a Petition on enactment of legislation to provide for operation and regulation of National referral and training hospitals the establishment of a Health Service Commission as communicated vide letter Ref. No. NA/DLP/TBO/PET/2019/(003) dated May 2019.

We wish to respond as indicated in the attached matrix.

Sicily K. Kariuki (Mrs.), EGH  
**CABINET SECRETARY**

October 11, 2019



**MINISTRY OF HEALTH**

**RE: UPDATE TO THE SELECT COMMITTEE ON IMPLEMENTATION REGARDING  
STATUS OF HOUSE RESOLUTIONS AS AT OCTOBER 2019**

<b>Reference document for implementation</b>	<b>Date</b>	<b>DCS/House Recommendations</b>	<b>Implementation Status</b>
1. Resolution on uptake of counselling services	26 <sup>th</sup> April 2018	The government establishes programs and interventions to encourage uptake of counselling services among individuals, families and communities to mitigate the effects of mental disorders.	In response to the resolution on counselling services at community level, is indicated here below: <ul style="list-style-type: none"><li>a) A Scheme of services for psychologists' officer in health has been developed, waiting approval by the Public service commission.</li><li>b) Setting of regulatory Board for Counsellors and psychologists currently the process on-going</li><li>c) Primary Health care is the fundamental pillar of Universal Health care (UHC). It is envisaged to ensure deployment of Community Health volunteers (CHV) having responsibility of each 50 households across the Country. The CHVs training include Counselling skills and they shall form frontline support to the families and communities and recommend treatment for</li></ul>

			<p>the persons with complex psycho-social issues requiring specialised interventions.</p> <p>d) Implementation of workplace counselling working in collaboration with State departments of public service such as Ministry of Education, Ministry of State for Public Service. An action plan has been developed.</p> <p>e) Training on basic counselling skills on substance use prevention, treatment and care (TREATNET) for NGOs and peer groups, training of 60 primary care provider trained in June 2019 at Mombasa county, by the MOH in partnership with UNODC an addition from the 753 health care providers trained previously on SUDs ( substance Use Disorders)</p>
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<p>2. Diagnostic testing for Diabetes</p>	<p>27<sup>th</sup> March 2019</p>	<p>The Government institutionalizes diagnostic testing for Diabetes in workplaces and community settings, provides for education, prevention and subsidized routine diabetes screening and treatment and put in place measures to ensure an effective diabetes care System at all levels of Health care</p>	<p>The National Non communicable Diseases Prevention and Control strategy 2015- 2020 emphasises on strengthening of screening of non-communicable diseases including diabetes at all levels of healthcare and other settings. Workplace and community based programs include blood sugar and blood pressure screening, counselling, and treatment for employees. This approach involves integrated multi-sectoral interventions. To this end Ministry of Health (MoH) has implemented the following:</p> <ul style="list-style-type: none"> <li>• Established Diabetes Technical Working Group (TWG) to coordinate and guide the implementation of diabetes control strategies in the country.</li> <li>• Developed training manuals for health care workers and job aid for community health care workers on diabetes and hypertension</li> <li>• Diabetes management is included in the essential benefit package for Universal Health Coverage.</li> <li>• Under UHC, the Ministry of Health is collaborating with County Governments by providing Diagnostic testing services for diabetes among other Non-communicable diseases for Level 2 and 3 health facilities.</li> <li>• Building the capacity of health workers and community health volunteers on diagnosis and management of Diabetes.</li> </ul>
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		<ul style="list-style-type: none"> <li>○ A total of 1845 health worker in 30 counties have been trained on management of diabetes and hypertension.</li> <li>○ Online training of 2000 clinicians on management of diabetes.</li> <li>○ Training of 340 CHV on diabetes in 3 counties namely Kakamega, Meru and Makueni.</li> <li>• Established diabetes centers of excellence in diabetes management in the 2 national hospitals (KNH and MTRH) and in 4 county based facilities (Nakuru, Machakos, Mombasa and Kakamega)</li> <li>• Establishment of diabetes comprehensive care clinics in 10 county referral hospitals (Kitui, Moyale, Samburu, Kilifi, Vihiga, Nanyuki, Kigumo and Maragwa, isiolo, Kericho, Busia, Kitale. We have planned to strengthen this initiative to all counties which shall serve as referral centres for diabetes.</li> <li>• Developed diabetes and Hypertension data collection tools (MOH 740) which have been piloted in 10 counties (Makueni, Machakos, Kitui, Muranga, Kiambu, Meru, Laikipia, Marsabit, Kirinyaga and Embu. The tools are awaiting national roll out.</li> <li>• Screening of diabetes is ongoing in all Huduma centres countrywide.</li> </ul>
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3. Elimination of illicit trade in Tobacco Products	21 <sup>st</sup> January 2019	Implementation of the report of the Department committee on health on the Ratification of the Protocol to Eliminate Illicit Tobacco product	<p>Kenya signed the Illicit Trade Protocol (ITP) in 2013. The ministry held a consultative stakeholder meeting with both parliamentary committee on health and committee on legislation.</p> <p>The Ministry submitted a Cabinet memo on the same which has been approved. Currently, the protocol is with the Ministry of Foreign affairs for onward transmission to parliament for ratification.</p>
4. Kenyatta University Teaching & Referral Hospital Project	5 <sup>th</sup> December 2018	Implementation of the Report of the Health Committee on Kenyatta University Teaching & Referral Hospital Project	<ul style="list-style-type: none"> <li>• The Kenyatta University Teaching &amp; Referral Hospital was established under Legal notice 4 of 2019</li> <li>• The Ministry appointed a taskforce to oversee the handover of the hospital from the contractor</li> <li>• The hospital was handed over from the University board</li> <li>• A team of different medical specialists reviewed the facility spaces and equipment and provided a report. The recommendations were included in the implementation plan</li> <li>• The university is now registered by the medical board and by statutory bodies such as KRA and NSSF. Accreditation by NHIF ongoing</li> <li>• The Board has been established and the appointment of the Chairman, board of directors and Acting CEO</li> </ul>



			<p>in place. The board has already met 5 times</p> <ul style="list-style-type: none"> <li>• Human Resource instruments has been developed and approved by the Board.</li> <li>• The hospital has been allocated an initial budget to operationalize the services and other additional allocations are expected going forward.</li> <li>• The hospital advertised and recruited a total of 521 staff. The facility is expected to offer were recruited and are expected to offer the following specialized services: Oncology; renal services, orthopedic and accident and emergency supported by a functional theatre, laboratory, pharmacy and radiology services.</li> <li>• The hospital has been categorized as a state parastatal level PC5</li> <li>• Preparation for launch is ongoing.</li> </ul>
5. Alleged Irregular specialist recognition of Dr Samira Soni	26 <sup>th</sup> March 2019	Implementation of the report of the Department Committee of Health on alleged Irregular specialist recognition of Dr Samira Soni by the Kenya Medical Practitioners and Dentistry Board	<p>The alleged misconduct of the doctor happened while on training as a post graduate student under the supervision of ophthalmologists.</p> <p>The matter had been investigated by the University of Nairobi, School of Medicine and the respective teaching hospital, Kenyatta National hospital and a determination was made during her period of training.</p>

			<p>Following the receipt of the report, the board constituted a team to investigate the incidence. The University of Nairobi, which carried out the investigations, found that the treatment the doctor gave was adequate given the circumstances but she was deemed to be at fault for not consulting with her seniors before undertaking the procedure.</p> <p>The Board has not received any other complaint of professional misconduct from any member of the public against Dr. Samira Soni.</p> <p>The matter is in High Court awaiting determination. The court ordered that the status quo be maintained and that the 3<sup>rd</sup> Respondent (Board) remains restrained from cancelling the petitioner's (Dr. Soni) license pending hearing and determination of the petition.</p>
6. Fraudulent medical Bill issued by M. P. Shah Hospital	19 <sup>th</sup> November 2018	<p>Implementation of the report on petition regarding Fraudulent medical Bill issued by M. P. Shah Hospital on account of treatment of the Matilda Anyango Recommendations in the report:</p> <p>1. "...the Cabinet Secretary, Ministry of Health immediately gazettes the Professional Fees Rules and Guidelines of</p>	<p>A consultative meeting held between the Ministry Health and the Kenya Medical Practitioners and Dentists Council(KMPDC) resolved that the 2016 Professional Fees be reviewed and agreed that:</p> <p>1. The doctors' professional fees as set out in the <i>Medical Practitioners and Dentists (Professional Fees) Rules, 2016</i> be reduced as follows:</p> <p>a. Minimum Fees: 2016 Professional Fees be reduced by 20%</p>

		<p>2006 (2<sup>nd</sup> Edition) to replace the current prevailing exorbitant Guidelines.”</p> <p>2. “The Ministry, KMPDB and Pharmacy and Poisons Board then reviews within six months, reasonable Professional Fees Rules and Guidelines, Regulations on cost of medical devices and drugs in general, costing of healthcare, with a view of ensuring that all fees are in tandem with the UHC agenda. This should be done with proper consultations and public participation.”</p>	<p>b. Maximum Fees –2016 Professional Fees be reduced by 20%</p> <p>The Ministry of Health, submitted the Draft Professional Fees Rules to the Departmental Committee for Health of the National Assembly and currently awaiting feedback from the Departmental Committee for Health of the National Assembly.</p> <p>2. The areas recommended for review include the following:  pharmaceuticals, medical devices, diagnostics, hospitality, nursing care and all other attendant healthcare costs.  Detailed response is attached on Annex 1.</p>
7. Legislation to provide for operation and regulation of National referral & training hospitals and HSC	7 <sup>th</sup> May 2019	Implementation of the report on a petition on enactment of legislation to provide for operation and regulation of National referral & training hospitals and Health Service Commission	<p>Currently MOH oversees the management of three fully established national referral hospitals; Mathare Teaching and Referral Hospital, National Spinal Injury Hospital and the Othaya National Referral Hospital).</p> <p>The Ministry recognizes the need for a legislative mechanism to oversee the operations and progression of these national referral hospitals towards being semi-autonomous Agencies (SAGAs) established under the</p>

State Corporations Act such as Kenyatta National Hospital, Moi Teaching and Referral Hospital and Kenyatta University Teaching & Referral Hospital.

To this end, the Ministry has developed a concept note for the establishment of this oversight body, which is yet to be ratified by the Cabinet. The oversight body will seek to improve governance, leadership, administration and growth of the hospitals. In effect the establishment of this oversight body will also be a semi-autonomous government agency that will attract funding from Treasury

The Ministry understands the need for a Health Service Commission. However, since it was not catered for in the constitution, a review of the constitution would address this. Meanwhile, under the Health Laws 2019, The Kenya Health Human Resource Advisory Council (KHRAC) has been mandated to address issues related to human resources for health which include, in-posting of Interns, intercounty transfer of health professionals, and transfer from one level of government to another, welfare and scheme of service for health professionals, management and rotation of specialists and maintenance of a master register of all health practitioners in the country.

Sicily K. Kariuki (Mrs.), EGH  
**CABINET SECRETARY**  
11<sup>th</sup> October 2019

### **III B. Submissions from the Ministry of Defence**





① D/cmts  
20/1/20



② CHGBET  
Please clear  
FA  
27/01/2020

**MINISTRY OF DEFENCE  
OFFICE OF THE PRINCIPAL SECRETARY**

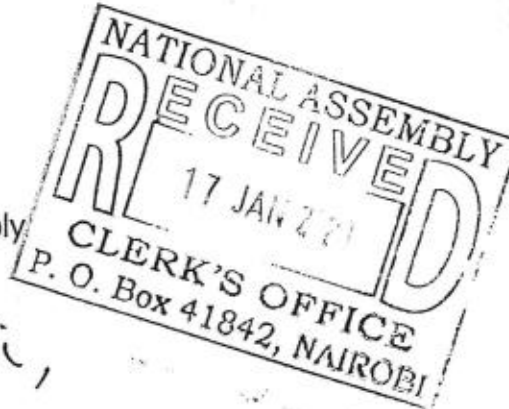
Telegrams: "DEFENCE", Nairobi  
Telephone: Nairobi 2721100  
Email: [ps@mod.go.ke](mailto:ps@mod.go.ke)  
Fax: 020-2723446

ULINZI HOUSE  
P.O. Box 40668, 00100  
NAIROBI, KENYA

MOD/28/18A

15<sup>th</sup> January, 2020

**Michael R. Sialai, EBS**  
Clerk to National Assembly  
Parliament Building  
**NAIROBI.**

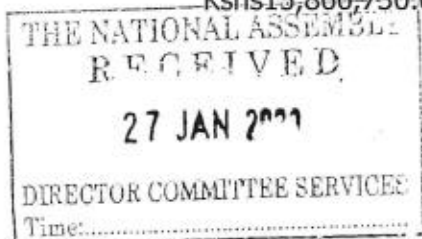


Dear *Mr Sialai,*

**REPORT ON INQUIRY INTO LAND ACQUISITION BY THE KENYA DEFENCE FORCES  
FOR ESTABLISHMENT OF FORWARD OPERATING BASE IN NAROK COUNTY**

Reference is made to your letter NA/DCS/COL/2019(128) dated 19<sup>th</sup> December, 2019 and subsequent report ref. No.NA/DLP/TBO/RES.24./2019 dated 30<sup>th</sup> July, 2019.

1. Pursuant to the Report of the Departmental Committee on Defence and Foreign Relations on inquiry into Land acquisition by the Kenya Defence for establishment of a forward operating Base (FOB) in Narok County, the following was recommended:
  - a. Ministry of Defence should carry out due diligence on the ownership of the proposed land to be acquired and in addition expedite the compensation of the bona-fide owner (s) of the land as well as the Project Affected Person(s) (PAPs).
  - b. In the event of requirement of future expansion of the FOB and other related projects, MOD to ensure due diligence to authenticate the correct land owner (s) of the disputed Parcels.
2. In response, the following is an appraisal on the implementation status and challenges faced by Ministry of Defence (MOD):
  - a. In accordance with the land Act No.65 of 2012, the Ministry commenced compulsory acquisition of Military land I Narok on 20<sup>th</sup> April, 2018 for the purpose of establishing a Forward Operating Base (FOB) for Air Defence Regiment (ADR).
  - b. Through a letter Ref. NO. NLC/VAL 1557 Dated 4<sup>th</sup> December, 2018 (copy attached) the National Land Commission (NLC) issued the Ministry with a schedule for payment of Kshs15,866,730.00 to enable compensation for identified projected Affected Person (s)



for acquisition of 355,54 Ha. This land comprises 12 parcels of various hectares. The Ministry disbursed the said amount as requested by NLC on 13 May, 2019.

- c. MOD has so far fulfilled all compulsory land acquisition criterion stated in section 107 (6) of the land Act No. 6 of 2012 which provides that upon serving of Gazette Notice, the Registrar shall make an entry in the intended acquisition and section 212(3) further states that if the documents evidencing Title Land are not forth coming, the Register will cause entry to be made in the Registrar recording the acquisition of the land under the Act.
  - d. National Land Commission (NLC) has served letters of Taking Possession on the Project Affected Person (s) (PAPS) and land Registry in Narok County. The Registrar has already restricted the acquired Parcels of lands as per Gazette Notices No.5692 dated 8<sup>th</sup> June 2018 and 1006 dated 28<sup>th</sup> September, 2018 (Copy Attached) The Ministry has also been issued with copies of notices for retention and records.
  - e. In the event of future expansion, the Ministry will adhere to the same procedure for acquisition of additional Land as per the provisions of Land Act No. 6 of 2012.
3. The final stage of this process is the amalgamation and Tilting of the Land, which requires MOD to issue NLC with the name in which the Title Deed will be registered and issued.
  4. The only challenged faced by the Ministry was when one PAP, John Kiragu Wambugu registered owner of PLOT CIS/MARA/LEMEK/2397 measuring 42.75 Ha, declined the offer and filed a Court case. The said individual has not collected his compensation fee nor surrendered his Title Deed. However as per the provisions o Lands Act No. 6 of 2012 as stipulated in Para 2(c) above this is considered null and void.
  5. In light of the aforementioned facts, the Ministry through National Land Commission and guided by the Land Act No. 6 of 2012 carried out due diligence on the ownership of the acquired Narok land and ensured compensation of bona fide owner(s) of the land as well as the project Affected Persons(s) was expedited. Further the Project Affected Persons have been served with letters of Taking possession and the Land Registry in Narok County Restricted by National Land Commission.
6. Please note for your information and further action.

Yours

*Sincerely,*



**Ibrahim M. Mohamed, CBS**  
**PRINCIPAL SECRETARY**



## OFFICE OF THE SECRETARY/CEO

Website: [www.Landcommission.go.ke](http://www.Landcommission.go.ke)  
Telephone: Nairobi 020 2718050/020-2187505  
Email: [info@landcommission.go.ke](mailto:info@landcommission.go.ke)

ARDHI HOUSE  
NGONG ROAD  
P. O. Box 44417-00100  
NAIROBI

26<sup>th</sup> November 2019

Ref: Val. 1557/(70)

The Principal Secretary  
Ministry of Defence  
P. O. Box 40668  
NAIROBI.

**RE: LAND ACT NO. 6 OF 2012  
PROPOSED MILITARY LAND IN NAROK COUNTY**

Reference is made to our letter Ref. NLC/VAL/KAA/2/2019/9 of 23<sup>rd</sup> October 2019.

The Commission has served letters of taking possessions on the people affected by this project and Land Registrar in Narok County. As a result, the registrar has already restricted the acquired parcels of lands as per Gazette Notices Nos. 5692 dated 8<sup>th</sup> June 2018 and 10006 dated 28<sup>th</sup> September, 2018. Attached please find copies of the notices for your retention and records.

Kindly give the Commission the name in which the title deed will be registered and issued.

Kabale Tache Arero  
Ag. SECRETARY/CEO





OFFICE OF THE SECRETARY/CEO

ARDHI HOUSE  
NGONG ROAD  
P. O. Box 44417-00100  
NAIROBI

Website: [www.Landcommission.go.ke](http://www.Landcommission.go.ke)  
Telephone: Nairobi 020 2718050/020-2187505  
Email: [info@landcommission.go.ke](mailto:info@landcommission.go.ke)

23<sup>rd</sup> October 2017

Ref: NLC/VAL/KAA/2/2019/9

Chief Land Registrar  
Ardhi House  
NAIROBI

**LAND ACT (NO. 6 OF 2012)  
RECORDING OF GOVERNMENT INTEREST ON ACQUIRED LAND FOR PROPOSED NAROK  
MILITARY LAND PROJECT – NOTICES OF TAKING POSSESSION**

The Commission has compulsorily acquired land for construction of Narok Military Land in Narok County.

- 1. Gazette Notice 5692 of 8<sup>th</sup> June, 2018 and Gazette Notice No. 10006 of 28<sup>th</sup> September 2018.

Section 107 (6) of the Land Act 2012 provides that upon service of the gazette notice, the registrar shall make an entry in the register of the intended acquisition and section 212 (3) states that if the documents evidence evidencing title to land are not forthcoming, the Registrar will cause an entry to be made in the register recording the acquisition of the land under this Act.

In this regard, kindly secure Government interest in the land parcels acquired for the project in the Narok Land Registry.

*THE FOLLOWING TITLE BOOKS HAS BEEN SURRENDERED.*

*CIS-MARAKET/ 882, 3048  
863, 3049, 3340, 3339,  
3338, 3341, 3337,*

*[Signature]*  
Kabale Tache Arero  
Ag. SECRETARY/CEO

Copy to: Principal Secretary  
Ministry of Lands & Physical Planning  
P. O. Box 30450 – 00100  
NAIROBI

County Land Registrar Narok

Principal Secretary  
Ministry of Defence  
P. O. Box 40668-00100  
NAIROBI

*CIS-MARAKET/OLILMEI/203;*



*also attached are notices of taking possession*





NOTICE OF TAKING POSSESSION AND VESTING

VAL.1557

MR/MRS. MARIMA NEMPARARANG OKE NABAALAH

Dear Sir(s)/Madam,

THE LAND ACT NO. 6 OF 2012  
PROPOSED NAROK MILITARY LAND

Gazette Notice No. 5692 & 10006 of 2018.

PLOT NO./LOCATION ... CIS MARA/LEMEK/3337...

AREA ACQUIRED .....2.20...Hectares

Please TAKE NOTICE THAT under Section 120 and 121 of the Land Act 2012. THE COMMISSION CONFIRMS YOUR RECEIPT OF COMPENSATION AND HEREBY GIVES YOU 15 DAYS NOTICE FROM 15<sup>TH</sup> OCTOBER 2019 TO VACATE THE ABOVE LAND AND WILL TAKE POSSESSION of the land described above at the expiry of the Notice. Please note that the need to vacate upon receipt of your compensation had been communicated to you in public sensitization meetings explaining the acquisition, compensation and vacation process.

Under Section 121 of the said Act, you are required to deliver the original documents of Title in respect of the said land to the Chief Land Registrar/County Land Registrar Narok for restriction.

Dated this ...15<sup>th</sup> ..... Day of.....October.....2019.

*MB*  
MBURU F. K.  
DIRECTORATE OF VALUATION & TAXATION  
NATIONAL LAND COMMISSION

Copy to:  
Chief Land Registrar - Nairobi

County Land Registrar – Narok

*(Please proceed with lodging of caveats, rectification and cancellation of titles to protect Government's interest)*

*PS Defence to liaise with the Director of Survey for undertaking of final survey*

Director of Surveys, Nairobi

*(Please undertake the final survey. Plans for the project are hereby attached*

*Collected by Njiru Nalanda  
name Njiru Nalanda  
ID - 20342075  
mobile 0703354248  
Sign  
Date 28/10/2019*







## NOTICE OF TAKING POSSESSION AND VESTING

VAL.1557

MR/MRS. DENNIS KASHUMBA LOLOIGERO ...

Dear Sir(s)/Madam,

**THE LAND ACT NO. 6 OF 2012**  
**PROPOSED NAROK MILITARY LAND**

Gazette Notice No. 5692 & 10006 of 2018.

**PLOT NO./LOCATION ... CIS MARA/OLKINYEI/242...**

AREA ACQUIRED .....68.7...Hectares

Please TAKE NOTICE THAT under Section 120 and 121 of the Land Act 2012. THE COMMISSION CONFIRMS YOUR RECEIPT OF COMPENSATION AND HEREBY GIVES YOU 15 DAYS NOTICE FROM 15<sup>TH</sup> OCTOBER 2019 TO VACATE THE ABOVE LAND AND WILL TAKE POSSESSION of the land described above at the expiry of the Notice. Please note that the need to vacate upon receipt of your compensation had been communicated to you in public sensitization meetings explaining the acquisition, compensation and vacation process.

Under Section 121 of the said Act, you are required to deliver the original documents of Title in respect of the said land to the Chief Land Registrar/County Land Registrar Narok for cancellation.

Dated this ...15<sup>th</sup> ..... Day of.....October.....2019.

  
MBURU F. K.  
DIRECTORATE OF VALUATION & TAXATION  
NATIONAL LAND COMMISSION

Copy to:  
Chief Land Registrar - Nairobi

County Land Registrar - Narok  
(Please proceed with lodging of caveats, rectification and cancellation of titles to protect Government's interest)

PS Defence to liaise with the Director of Survey for undertaking of final survey

Director of Surveys, Nairobi

(Please undertake the final survey. Plans for the project are hereby attached

Collected by

name DENNIS K. LOLOIGERO

ID. - 20337136

Mobile - 0725771776

Signature - 

Date - 28/Oct/2019





NOTICE OF TAKING POSSESSION AND VESTING

VAL.1557

MR/MRS. DENNIS KASHUMBA LOLOIGERO & CHARLES KAPOLONTO  
NAMPASO...

Dear Sir(s)/Madam,

THE LAND ACT NO. 6 OF 2012  
PROPOSED NAROK MILITARY LAND

Gazette Notice No. 5692 & 10006 of 2018.

PLOT NO./LOCATION ... CIS MARA/OLKINYEI/243...

AREA ACQUIRED .....68.7...Hectares

Please TAKE NOTICE THAT under Section 120 and 121 of the Land Act 2012. THE COMMISSION CONFIRMS YOUR RECEIPT OF COMPENSATION AND HEREBY GIVES YOU 15 DAYS NOTICE FROM 15<sup>TH</sup> OCTOBER 2019 TO VACATE THE ABOVE LAND AND WILL TAKE POSSESSION of the land described above at the expiry of the Notice. Please note that the need to vacate upon receipt of your compensation had been communicated to you in public sensitization meetings explaining the acquisition, compensation and vacation process.

Under Section 121 of the said Act, you are required to deliver the original documents of Title in respect of the said land to the Chief Land Registrar/County Land Registrar Narok for cancellation.

Dated this ...15<sup>th</sup> ..... Day of.....October.....2019.

*[Signature]*  
MBURU F. K.  
DIRECTORATE OF VALUATION & TAXATION  
NATIONAL LAND COMMISSION

Copy to:  
Chief Land Registrar - Nairobi

County Land Registrar - Narok

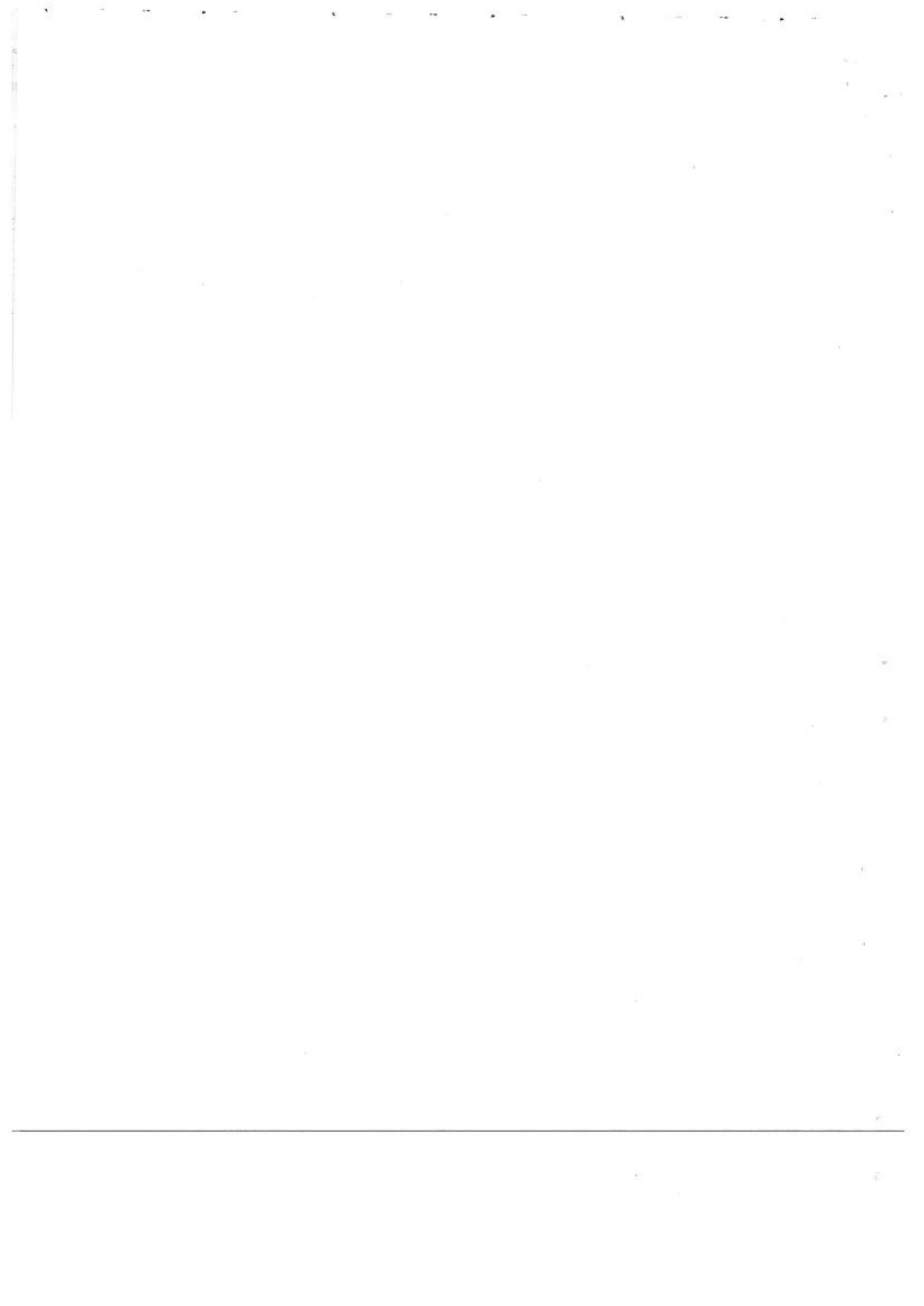
*(Please proceed with lodging of caveats, rectification and cancellation of titles to protect Government's interest)*

*PS Defence to liase with the Director of Survey for undertaking of final survey*

Director of Surveys, Nairobi

*(Please undertake the final survey. Plans for the project are hereby attached*

*Collected by*  
*Name DENNIS K LOLOIGERO*  
*ID - 20337136*  
*Mobile - 0725 771 774*  
*Sgn - [Signature]*  
*Date - 28/10/2019.*





NOTICE OF TAKING POSSESSION AND VESTING

VAL.1557

MR/MRS. YIAMPOI ENOLE KEBELEKENYA ...

Dear Sir(s)/Madam,

THE LAND ACT NO. 6 OF 2012  
PROPOSED NAROK MILITARY LAND

Gazette Notice No. 5692 & 10006 of 2018.

PLOT NO./LOCATION ... CIS MARA/OLKINYEI/3049...

AREA ACQUIRED .....29.68...Hectares

Please TAKE NOTICE THAT under Section 120 and 121 of the Land Act 2012. THE COMMISSION CONFIRMS YOUR RECEIPT OF COMPENSATION AND HEREBY GIVES YOU 15 DAYS NOTICE FROM 15<sup>TH</sup> OCTOBER 2019 TO VACATE THE ABOVE LAND AND WILL TAKE POSSESSION of the land described above at the expiry of the Notice. Please note that the need to vacate upon receipt of your compensation had been communicated to you in public sensitization meetings explaining the acquisition, compensation and vacation process.

Under Section 121 of the said Act, you are required to deliver the original documents of Title in respect of the said land to the Chief Land Registrar/County Land Registrar Narok for cancellation.

Dated this ...15<sup>th</sup> ..... Day of.....October.....2019.

*[Signature]*  
MBURU F. K.  
DIRECTORATE OF VALUATION & TAXATION  
NATIONAL LAND COMMISSION

Copy to:  
Chief Land Registrar - Nairobi

County Land Registrar – Narok

*(Please proceed with lodging of caveats, rectification and cancellation of titles to protect Government's interest)*

*PS Defence to liaise with the Director of Survey for undertaking of final survey*

Director of Surveys, Nairobi

*(Please undertake the final survey. Plans for the project are hereby attached*

*Collected by*  
*Name - Mungasio Logoto*  
*19 -*  
*Mobile - 0722532875*  
*Signature - [Signature]*  
*Date - 28/oct/2019*





NOTICE OF TAKING POSSESSION AND VESTING

VAL.1557

MR/MRS. KOILEKEN OLE PUSIKISHU ...

Dear Sir(s)/Madam,

THE LAND ACT NO. 6 OF 2012  
PROPOSED NAROK MILITARY LAND

Gazette Notice No. 5692 & 10006 of 2018.

PLOT NO./LOCATION ... CIS MARA/OLKINYEI/3048...

AREA ACQUIRED .....19.23...Hectares

Please TAKE NOTICE THAT under Section 120 and 121 of the Land Act 2012. THE COMMISSION CONFIRMS YOUR RECEIPT OF COMPENSATION AND HEREBY GIVES YOU 15 DAYS NOTICE FROM 15<sup>TH</sup> OCTOBER 2019 TO VACATE THE ABOVE LAND AND WILL TAKE POSSESSION of the land described above at the expiry of the Notice. Please note that the need to vacate upon receipt of your compensation had been communicated to you in public sensitization meetings explaining the acquisition, compensation and vacation process.

Under Section 121 of the said Act, you are required to deliver the original documents of Title in respect of the said land to the Chief Land Registrar/County Land Registrar Narok for cancellation.

Dated this ...15<sup>th</sup> ..... Day of.....October.....2019.

*MBURU F. K.*  
MBURU F. K.  
DIRECTORATE OF VALUATION & TAXATION  
NATIONAL LAND COMMISSION

Copy to:  
Chief Land Registrar - Nairobi

County Land Registrar - Narok

(Please proceed with lodging of caveats, rectification and cancellation of titles to protect Government's interest)

PS Defence to liaise with the Director of Survey for undertaking of final survey

Director of Surveys, Nairobi

(Please undertake the final survey. Plans for the project are hereby attached

*Collected by*

*Name KOILEKEN PUSIKISHU*

*ID -*

*Mobile - 0723 829 004*

*Sign - [Signature]*

*Date - 28/Oct/2019*







**NOTICE OF TAKING POSSESSION AND VESTING**

VAL.1557

MR/MRS. MARIMA NEMPARARANG OKE NABAALAH

Dear Sir(s)/Madam,

**THE LAND ACT NO. 6 OF 2012  
PROPOSED NAROK MILITARY LAND**

Gazette Notice No. 5692 & 10006 of 2018.

PLOT NO./LOCATION ... CIS MARA/LEMEK/3341...

AREA ACQUIRED .....2.02...Hectares

Please TAKE NOTICE THAT under Section 120 and 121 of the Land Act 2012. THE COMMISSION CONFIRMS YOUR RECEIPT OF COMPENSATION AND HEREBY GIVES YOU 15 DAYS NOTICE FROM 15<sup>TH</sup> OCTOBER 2019 TO VACATE THE ABOVE LAND AND WILL TAKE POSSESSION of the land described above at the expiry of the Notice. Please note that the need to vacate upon receipt of your compensation had been communicated to you in public sensitization meetings explaining the acquisition, compensation and vacation process.

Under Section 121 of the said Act, you are required to deliver the original documents of Title in respect of the said land to the Chief Land Registrar/County Land Registrar Narok for restriction.

Dated this ...15<sup>th</sup> ..... Day of.....October.....2019.

**MPURU F. K.  
DIRECTORATE OF VALUATION & TAXATION  
NATIONAL LAND COMMISSION**

Copy to:  
Chief Land Registrar - Nairobi

County Land Registrar – Narok

*(Please proceed with lodging of caveats, rectification and cancellation of titles to protect Government's interest)*

*PS Defence to liaise with the Director of Survey for undertaking of final survey*

Director of Surveys, Nairobi

*(Please undertake the final survey. Plans for the project are hereby attached*

*Collectively*

*Name - Hajiri Nabesta*

*ID - 20342075*

*Mobile - 0703354248*

*Sign - [Signature]*

*Date - 28/10/2019*





NOTICE OF TAKING POSSESSION AND VESTING

VAL.1557

MR/MRS. MARIMA NEMPARARANG OKE NABAALAH

Dear Sir(s)/Madam,

THE LAND ACT NO. 6 OF 2012  
PROPOSED NAROK MILITARY LAND

Gazette Notice No. 5692 & 10006 of 2018.

PLOT NO./LOCATION ... CIS MARA/LEMEK/3338...

AREA ACQUIRED .....2.02...Hectares

Please TAKE NOTICE THAT under Section 120 and 121 of the Land Act 2012. THE COMMISSION CONFIRMS YOUR RECEIPT OF COMPENSATION AND HEREBY GIVES YOU 15 DAYS NOTICE FROM 15<sup>TH</sup> OCTOBER 2019 TO VACATE THE ABOVE LAND AND WILL TAKE POSSESSION of the land described above at the expiry of the Notice. Please note that the need to vacate upon receipt of your compensation had been communicated to you in public sensitization meetings explaining the acquisition, compensation and vacation process.

Under Section 121 of the said Act, you are required to deliver the original documents of Title in respect of the said land to the Chief Land Registrar/County Land Registrar Narok for restriction.

Dated this ...15<sup>th</sup> ..... Day of.....October.....2019.

*F.K.*  
MBURU F. K.  
DIRECTORATE OF VALUATION & TAXATION  
NATIONAL LAND COMMISSION

Copy to:  
Chief Land Registrar - Nairobi

County Land Registrar – Narok  
(Please proceed with lodging of caveats, rectification and cancellation of titles to protect Government's interest)

PS Defence to liase with the Director of Survey for undertaking of final survey  
Director of Surveys, Nairobi

(Please undertake the final survey. Plans for the project are hereby attached

*Collected*  
*By name NTajivi Nabaala*  
*ID 20347078*  
*Mobile 0703354248*  
*Signed*  
*Date 28/10/19*





NOTICE OF TAKING POSSESSION AND VESTING

VAL.1557

MR/MRS. MARIMA NEMPARARANG OKE NABAALAH

Dear Sir(s)/Madam,

THE LAND ACT NO. 6 OF 2012  
PROPOSED NAROK MILITARY LAND

Gazette Notice No. 5692 & 10006 of 2018.

PLOT NO./LOCATION ... CIS MARA/LEMEK/3340...

AREA ACQUIRED .....2.02...Hectares

Please TAKE NOTICE THAT under Section 120 and 121 of the Land Act 2012. THE COMMISSION CONFIRMS YOUR RECEIPT OF COMPENSATION AND HEREBY GIVES YOU 15 DAYS NOTICE FROM 15<sup>TH</sup> OCTOBER 2019 TO VACATE THE ABOVE LAND AND WILL TAKE POSSESSION of the land described above at the expiry of the Notice. Please note that the need to vacate upon receipt of your compensation had been communicated to you in public sensitization meetings explaining the acquisition, compensation and vacation process.

Under Section 121 of the said Act, you are required to deliver the original documents of Title in respect of the said land to the Chief Land Registrar/County Land Registrar Narok for restriction.

Dated this ...15<sup>th</sup> ..... Day of..... October.....2019.

*[Signature]*  
MBURU F. K.  
DIRECTORATE OF VALUATION & TAXATION  
NATIONAL LAND COMMISSION

Copy to:  
Chief Land Registrar - Nairobi

County Land Registrar – Narok  
(Please proceed with lodging of caveats, rectification and cancellation of titles to protect Government's interest)

PS Defence to liase with the Director of Survey for undertaking of final survey  
Director of Surveys, Nairobi

(Please undertake the final survey. Plans for the project are hereby attached

*Collected by Marim Nabaalah*  
*name*  
*ID - 2034 7075*  
*Mobile - 070 335 4248*  
*Sign - [Signature]*  
*Date 28/10/19*





## NOTICE OF TAKING POSSESSION AND VESTING

VAL.1557

MR/MRS. MARIMA NEMPARARANG OKE NABAALAH

Dear Sir(s)/Madam,

**THE LAND ACT NO. 6 OF 2012**  
**PROPOSED NAROK MILITARY LAND**

Gazette Notice No. 5692 & 10006 of 2018.

**PLOT NO./LOCATION ... CIS MARA/LEMEK/3339...**

AREA ACQUIRED .....2.02...Hectares

Please TAKE NOTICE THAT under Section 120 and 121 of the Land Act 2012. THE COMMISSION CONFIRMS YOUR RECEIPT OF COMPENSATION AND HEREBY GIVES YOU 15 DAYS NOTICE FROM 15<sup>TH</sup> OCTOBER 2019 TO VACATE THE ABOVE LAND AND WILL TAKE POSSESSION of the land described above at the expiry of the Notice. Please note that the need to vacate upon receipt of your compensation had been communicated to you in public sensitization meetings explaining the acquisition, compensation and vacation process.

Under Section 121 of the said Act, you are required to deliver the original documents of Title in respect of the said land to the Chief Land Registrar/County Land Registrar-Narok for restriction.

Dated this ...15<sup>th</sup> ..... Day of.....October.....2019.

  
MBURU F. K.  
DIRECTORATE OF VALUATION & TAXATION  
NATIONAL LAND COMMISSION

Copy to:  
Chief Land Registrar - Nairobi

County Land Registrar – Narok

*(Please proceed with lodging of caveats, rectification and cancellation of titles to protect Government's interest)*

*PS Defence to liaise with the Director of Survey for undertaking of final survey*

Director of Surveys, Nairobi

*(Please undertake the final survey. Plans for the project are hereby attached*

Collected by

Name - Majori Nogaara

ID - 20347025

Mobile - 073354248

Sign - LB

Date - 28/10/19







NOTICE OF TAKING POSSESSION AND VESTING

VAL.1557

MR/MRS. MARIMA NEMPARARANG OKE NABAALAH

Dear Sir(s)/Madam,

THE LAND ACT NO. 6 OF 2012  
PROPOSED NAROK MILITARY LAND

Gazette Notice No. 5692 & 10006 of 2018.

PLOT NO./LOCATION ... CIS MARA/LEMEK/863...

AREA ACQUIRED .....47.50...Hectares

Please TAKE NOTICE THAT under Section 120 and 121 of the Land Act 2012. THE COMMISSION CONFIRMS YOUR RECEIPT OF COMPENSATION AND HEREBY GIVES YOU 15 DAYS NOTICE FROM 15<sup>TH</sup> OCTOBER 2019 TO VACATE THE ABOVE LAND AND WILL TAKE POSSESSION of the land described above at the expiry of the Notice. Please note that the need to vacate upon receipt of your compensation had been communicated to you in public sensitization meetings explaining the acquisition, compensation and vacation process.

Under Section 121 of the said Act, you are required to deliver the original documents of Title in respect of the said land to the Chief Land Registrar/County Land Registrar Narok for restriction.

Dated this ...15<sup>th</sup> ..... Day of.....October.....2019.

  
MBURU F. K.  
DIRECTORATE OF VALUATION & TAXATION  
NATIONAL LAND COMMISSION

Copy to:  
Chief Land Registrar - Nairobi

Collected by *Marima Nabaalah*  
Name -  
ID: 20347025  
Mobile 070 3314248  
Signature  
Date 28/10/19

County Land Registrar – Narok  
(Please proceed with lodging of caveats, rectification and cancellation of titles to protect Government's interest)

PS Defence to liaise with the Director of Survey for undertaking of final survey

Director of Surveys, Nairobi

(Please undertake the final survey. Plans for the project are hereby attached





## NOTICE OF TAKING POSSESSION AND VESTING

VAL.1557

MR/MRS. MOSES OLOISHURU, JONATHAN RONKO, DOMINIC MARIPET AND YEMET RONKO ...

Dear Sir(s)/Madam,

THE LAND ACT NO. 6 OF 2012  
PROPOSED NAROK MILITARY LAND

Gazette Notice No. 5692 & 10006 of 2018.

PLOT NO./LOCATION ... CIS MARA/OLKINYEI/882...

AREA ACQUIRED .....40.47...Hectares

Please TAKE NOTICE THAT under Section 120 and 121 of the Land Act 2012. THE COMMISSION CONFIRMS YOUR RECEIPT OF COMPENSATION AND HEREBY GIVES YOU 15 DAYS NOTICE FROM 15<sup>TH</sup> OCTOBER 2019 TO VACATE THE ABOVE LAND AND WILL TAKE POSSESSION of the land described above at the expiry of the Notice. Please note that the need to vacate upon receipt of your compensation had been communicated to you in public sensitization meetings explaining the acquisition, compensation and vacation process.

Under Section 121 of the said Act, you are required to deliver the original documents of Title in respect of the said land to the Chief Land Registrar/County Land Registrar Narok for cancellation.

Dated this ...15<sup>th</sup> ..... Day of.....October.....2019.

  
MBURU F. K.  
DIRECTORATE OF VALUATION & TAXATION  
NATIONAL LAND COMMISSION

Copy to:

Chief Land Registrar - Nairobi

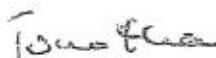
County Land Registrar – Narok

*(Please proceed with lodging of caveats, rectification and cancellation of titles to protect Government's interest)*

*PS Defence to liaise with the Director of Survey for undertaking of final survey*

Director of Surveys, Nairobi

*(Please undertake the final survey. Plans for the project are hereby attached)*







## NOTICE OF TAKING POSSESSION AND VESTING

VAL.1557

MR/MRS. MOSES OLOISHURU, JONATHAN RONKO, DOMINIC MARIPET AND YEMET RONKO ...

Dear Sir(s)/Madam,

THE LAND ACT NO. 6 OF 2012  
PROPOSED NAROK MILITARY LAND

Gazette Notice No. 5692 & 10006 of 2018.

PLOT NO./LOCATION ... CIS MARA/OLKINYEI/882...

AREA ACQUIRED .....40.47...Hectares

Please TAKE NOTICE THAT under Section 120 and 121 of the Land Act 2012. THE COMMISSION CONFIRMS YOUR RECEIPT OF COMPENSATION AND HEREBY GIVES YOU 15 DAYS NOTICE FROM 15<sup>TH</sup> OCTOBER 2019 TO VACATE THE ABOVE LAND AND WILL TAKE POSSESSION of the land described above at the expiry of the Notice. Please note that the need to vacate upon receipt of your compensation had been communicated to you in public sensitization meetings explaining the acquisition, compensation and vacation process.

Under Section 121 of the said Act, you are required to deliver the original documents of Title in respect of the said land to the Chief Land Registrar/County Land Registrar Narok for cancellation.

Dated this ...15<sup>th</sup> ..... Day of.....October.....2019.

  
MBURU F. K.  
DIRECTORATE OF VALUATION & TAXATION  
NATIONAL LAND COMMISSION

Copy to:  
Chief Land Registrar - Nairobi

County Land Registrar – Narok  
*(Please proceed with lodging of caveats, rectification and cancellation of titles to protect Government's interest)*

*PS Defence to liaise with the Director of Survey for undertaking of final survey*

Director of Surveys, Nairobi

*(Please undertake the final survey. Plans for the project are hereby attached*

*Jonathan Ronko*  
*Refused to collect the notice*



NOTICE No. 10002

THE LAND REGISTRATION ACT

(No. 3 of 2012)

REGISTRATION OF INSTRUMENT

WHEREAS Martha Kioko, of P.O. Box 753-90100, Machakos in Republic of Kenya, is registered as proprietor of that piece of land measuring 28.02 hectares or thereabouts, known as Mavoko Town Plot 3/2835, situate in the district of Machakos, and whereas the High Court at Machakos in succession cause No. 107 of 2013, has ordered that the said piece of land be transferred to Willington Kiilu Kioko, of P.O. Box 753-90100, Machakos, and whereas the judge of the High Court has in pursuance of an order of the court executed the grant of the said instrument and whereas the land title deed issued in confirmation of grant in favour of the above named beneficiary, whereas all the efforts made to recover the land certificate issued in respect of the said piece of land by the land registrar have failed, notice is given that after the expiration of thirty (30) days from the date hereof, provided no valid objection has been received within that period, I intend to dispense with the production of the said land title deed and proceed with the said instrument of transfer and issue a land title deed to the said Willington Kiilu Kioko, and upon such registration the land certificate issued earlier to the said Martha Kioko, shall be deemed to be cancelled and of no effect.

Dated the 28th September, 2018.  
 G. M. NJOROGE,  
*Land Registrar, Machakos District.*  
 MR/5353164

GAZETTE NOTICE No. 10005

THE LAND REGISTRATION ACT

(No. 3 of 2012)

REGISTRATION OF INSTRUMENTS

WHEREAS Samuel Kavota, is registered as proprietor of those pieces of land containing 0.045 and 0.035 hectare or thereabouts, known as Mubungu/Wikilliyee/1555 and 1554, respectively, situate in the district of Kitui, and whereas the chief magistrate's court at Kitui in administration cause No. 89 of 2015 has issued grant of letters of administration to Mary Syovata Kavota, and whereas the land title deeds issued earlier to the said Samuel Kavota have been reported missing or lost, notice is given that after the expiration of thirty (30) days from the date hereof, provided no valid objection has been received within that period, I intend to dispense with the production of the said land title deeds and proceed with registration of the said instrument of administration and succession, and upon such registration the land title deeds issued earlier shall be deemed to be cancelled and of no effect.

Dated the 28th September, 2018.  
 L. K. MUGUTI,  
*Land Registrar, Kitui District.*  
 MR/5353350

GAZETTE NOTICE No. 10006

THE LAND ACT

(No. 6 of 2012)

PROPOSED NAROK MILITARY LAND

INQUIRY

IN PURSUANCE of the Land Act, 2012 Part VIII and further to Gazette Notice No. 5692 of 2018, add the following:

Addendum		
Parcel No.	Registered Owner	Approx. Area Affected (Ha.)
Cis Mara/Lemek/3049	Ylampoi Enole Kebelekenya	29.68
Cis Mara/Lemek/3036	Wilson Mboi Oloisa	19.76
Cis Mara/Lemek/3037	Lerionka ole Pion	20.24
Corrigendum		
Parcel No.	Registered Owner	Approx. Area Affected (Ha.)
Cis Mara/Olkenyei/243	Deobus Pashampa Plogigero and Charles Numpasu	68.70

Inquiries for the land parcels will be held as follows:  
 Lemek Chief's Office at 9.30 a.m on Tuesday, 16th October, 2018.

Cis Mara/Olkenyei/242	Dennis Kashumba	68.70
Cis Mara/Olkenyei/243	Deobus Pashampa Plogigero and Charles Numpasu	68.70
Cis Mara/Lemek/3337	Marina Nempabang O. Nabaala	2.20
Cis Mara/Lemek/3338	Marina Nempabang O. Nabaala	2.02
Cis Mara/Lemek/3339	Marina Nempabang O. Nabaala	2.02
Cis Mara/Lemek/3340	Marina Nempabang O. Nabaala	2.02
Cis Mara/Lemek/3341	Marina Nempabang O. Nabaala	2.02
Cis Mara/Lemek/2397	John Kiragu Wambugu	42.75
Cis Mara/Lemek/863	Marina Nempabang O. Nabaala	47.50
Cis Mara/Lemek/3048	Koleken ole Puslikishu	19.23
Cis Mara/Lemek/3049	Ylampoi Enole Kebelekenya	29.68
Cis Mara/Lemek/3036	Wilson Mboi Oloisa	19.76
Cis Mara/Lemek/3037	Lerionka ole Pion	20.24

Every person interested in the affected land is required to deliver to the National Land Commission on or before the day of inquiry a written claim to compensation, copy of identity card (ID), Personal Identification No. (PIN), land ownership documents and Bank account details. Commission Offices are at Ardhi House, 3rd Floor, Room 305, Nairobi and Narok County Co-ordinator's office.

Dated the 11th September, 2018.  
 ABIGAIL MIBAGAYA-MUKOLWE,  
*Ag. Chairperson.*  
 MR/5353048

GAZETTE NOTICE No. 10003

THE LAND REGISTRATION ACT

(No. 3 of 2012)

REGISTRATION OF INSTRUMENTS

WHEREAS Tobiko Nangoru (deceased), is registered as proprietor of those pieces of land containing 0.10 and 0.14 hectare or thereabouts, known as Ngong/Ngong/85901, 85900 and 85899, respectively, situate in the district of Kajiado North, and whereas the High Court at Machakos in succession cause No. 527 of 2011, has issued grant of letters of administration to Jane Ngendo Tubiku, and whereas the said title deeds issued earlier to the said Tobiko Nangoru (deceased), has been reported missing or lost, notice is given that after the expiration of thirty (30) days from the date hereof, provided no valid objection has been received within that period, I intend to dispense with the production of the said land title deed and proceed with registration of the said instruments of R. L. 19 and R. L. 7, and upon such registration the land title deeds issued to the said Tobiko Nangoru (deceased), shall be deemed to be cancelled and of no effect.

Dated the 28th September, 2018.  
 G. R. GICHUKI,  
*Land Registrar, Kajiado North District.*  
 MR/5319811

GAZETTE NOTICE No. 10004

THE LAND REGISTRATION ACT

(No. 3 of 2012)

REGISTRATION OF INSTRUMENT

WHEREAS Meliki Bernard Mukonga, is registered as proprietor of that piece of land known as Mulungu/Wikilliyee/1717, situate in the district of Kitui, and whereas the chief magistrate's court at Kitui in succession cause No. 38 of 2015 has issued grant of letters of administration to Mary Syovata Kavota, and whereas the land title deed issued earlier to the said Meliki Bernard Mukonga has been reported missing or lost, notice is given that after the expiration of thirty (30) days from the date hereof, provided no valid objection has been received within that period, I intend to dispense with the production of the said land title deed, and proceed with registration of the said instrument of administration and succession; and upon such registration the land title deed issued earlier shall be deemed to be cancelled and of no effect.

Dated the 28th September, 2018.  
 L. K. MUGUTI,  
*Land Registrar, Kitui District.*  
 MR/5353465





THE LAND ACT  
(No. 6 of 2012)

PROPOSED NAROK MILITARY LAND

Addendum

IN PURSUANCE of the Land Act, 2012 part VIII and further to Gazette Notice Nos. 5692 and 10006 of 2018, Delete and Add the following:-

Delete  
Schedule

Plot No.	Registered Owner	Area Affected (Ha)
CIS/Mara/Lemek/3036	Wilson Mboi Oloisa	19.76
CIS/Mara/Lemek/3037	Lerionka Ole Pion	20.24

Addendum  
Schedule

Plot No.	Registered Owner	Area Affected (Ha.)
CIS/Mara/Lemek/882	Moses Oloishuro, Jonathan Rouko, Dominic Manipet Yemet Ronyo	40.47

Inquiries for persons interested in the affected land parcels shall be held at Narok Deputy County Commissioner's Office on Tuesday 4<sup>th</sup> December, 2018 at 9.30 am.

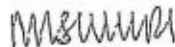
Inquiry

Schedule

Plot No.	Registered Owner	Area Affected (Ha.)
CIS/Mara/Lemek/882	Moses Oloishuro, Jonathan Rouko, Dominic Manipet Yemet Ronyo	40.47

Every person interested in the affected land is required to deliver to the National Land Commission on or before the day of inquiry, Land ownership documents, a written claim to compensation, copy of National Identity Card (ID), Personal Identification Number (KRA PIN), and Copy of Bank Account details. The commission offices are located in Ardhi House, 3<sup>rd</sup> Floor, Room No. 305, 1<sup>st</sup> Ngong Avenue, Nairobi.

Dated in Nairobi this 12<sup>th</sup> Day of November, 2018



Prof. Muhammad A. Swazuri, PhD, OGW  
Chairman, National Land Commission  
Associate Professor in Land Economics



THE LAND REGISTRATION ACT  
(No. 3 of 2012)

REGISTRATION OF INSTRUMENT

WHEREAS Njagi Nguu (deceased), is registered as proprietor of that piece of land known as Nihawa/Riandu/645, situate in the district of Mbeere, and whereas the High Court at Embu in succession cause No. 283 of 2015, has issued grant of letters of administration and certificate of confirmation of grant in favour of (1) Inyasio Kinyua Njagi and (2) Victor Kyura Njagi, and whereas the said court has executed an application to be registered as proprietors by transmission R.L. 19 in respect of the said parcel of land registered in the name of Njagi Nguu (deceased), and whereas the land title deed issued in respect of the said piece of land has been reported missing or lost, notice is given that after the expiration of thirty (30) days from the date hereof, provided no valid objection has been received within that period, I intend to dispense with the production of the said land title deed and proceed with the registration of the said application to be registered as proprietor by transmission R. L. 19 in the names of (1) Inyasio Kinyua Njagi and (2) Victor Kyura Njagi and upon such registration the land title deed issued to the said Njagi Nguu (deceased), shall be deemed to be cancelled and of no effect.

Dated the 8th June, 2018.

I. N. NJIRU,

MR/4808648

Land Registrar, Mbeere District.

GAZETTE NOTICE NO. 5891

THE LAND REGISTRATION ACT  
(No. 3 of 2012)

REGISTRATION OF INSTRUMENT

WHEREAS Sulman Owango Kanyago (deceased), is registered as proprietor of that piece of land containing 1.4 hectares or thereabout, known as West Kasipi/Kodera Karabach/1274, situate in the district of Rachuonyo, and whereas the principal magistrate's court at Oyugis in succession cause No. 177 of 2017, has issued transmission documents to Francis Rabach Owango, and whereas all efforts made to trace the said land title deed have failed, notice is given that after the expiration of thirty (30) days from the date hereof, provided no valid objection has been received within that period, I intend to dispense with the production of the said land title deed and proceed with the registration of R.L. 19 and R.L. 7 to read Francis Rabach Owango, and upon such registration the land title deed issued earlier to the said Sulman Owango Kanyago (deceased), shall be deemed to be cancelled and of no effect.

Dated the 8th June, 2018.

E. O. ABUNDU,

MR/4808593

Land Registrar, Rachuonyo District.

GAZETTE NOTICE NO. 5892

THE LAND ACT  
(No. 6 of 2012)

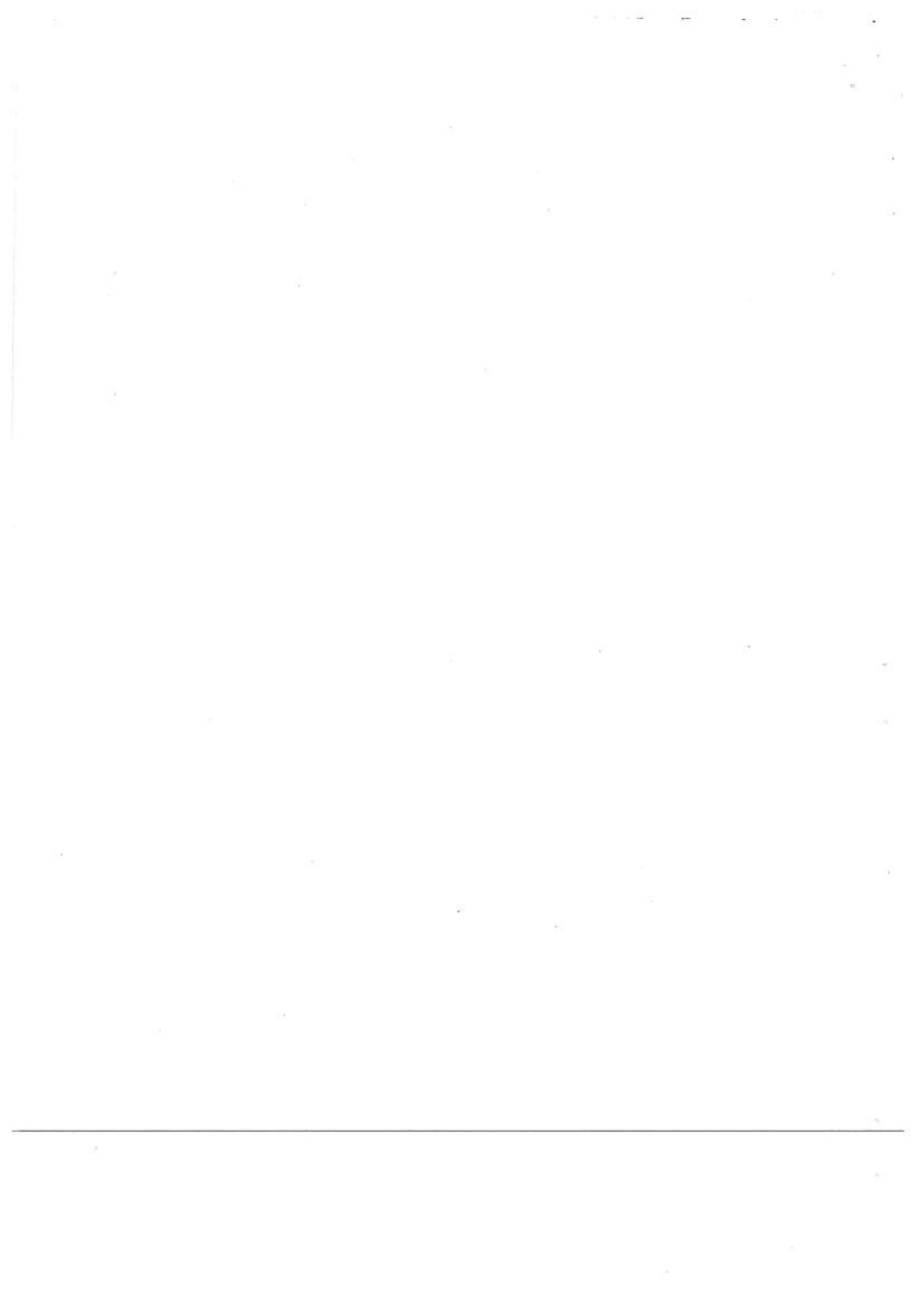
PROPOSED NAROK MILITARY LAND

INTENTION TO ACQUIRE

IN PURSUANCE of sections 112 and 162 of the Land Act, 2012, Part VIII, the National Land Commission on behalf of the Ministry of Defense gives notice that the National Government intends to acquire the following parcels of land for military use in Narok County.

Registration Section	Registered Land Owner	Area to be Acquired(Ha.)
Cis Mara/Olkenyei/242	Dennis Kashumpa Lolgero	68.70 (12.64)
Cis Mara/Olkenyei/674	Leeyio ole Lempere	48.18

Cis Mara/Lemek/243	Dennis Kashumpa Lolgero	68.70
Cis Mara/Lemek/3033	Simon Tianta Ololapori Carolyn Sopiaton Simon	26.525
Cis Mara/Lemek/3332	Marima Nempararang	2.20
Cis Mara/Lemek/3338	Marima Nempararang ole Nabaala	2.02
Cis Mara/Lemek/3339	Marima Nempararang ole Nabaala	2.02
Cis Mara/Lemek/3340	Marima Nempararang ole Nabaala	2.02
Cis Mara/Lemek/3341	Marima Nempararang ole Nabaala	2.02
Cis Mara/Lemek/3342	Risa ole Mpooye	2.02
Cis Mara/Lemek/3343	Risa ole Mpooye	2.02
Cis Mara/Lemek/3344	Risa ole Mpooye	2.02
Cis Mara/Lemek/3345	Marima Nempararang	2.02
Cis Mara/Lemek/3346	Marima Nempararang	2.02
Cis Mara/Lemek/3347	Marima Nempararang	2.02
Cis Mara/Lemek/3348	Lekuna ole Nabaala	8.09
Cis Mara/Lemek/3349	Marima Nempararang	10.12
Cis Mara/Lemek/3351	Siamanta Enc Nabaala	
Cis Mara/Lemek/3352	Siamanta Enc Nabaala	12.14
Cis Mara/Lemek/3354	George Asiligwa Kahi	40.485
Cis Mara/Lemek/3368	Leperes ole Siololo	8.09
Cis Mara/Lemek/3369	Simon Nasooore Malclong	12.14
Cis Mara/Lemek/3371	Nicholas Koitnat Nabaala	8.09
Cis Mara/Lemek/839	John Kiragu Wambugu	41.35
Cis Mara/Lemek/863	Marima Nempararang	47.50
Cis Mara/Lemek/2383	John Kiragu Wambugu	20.125
Cis Mara/Lemek/2384	John Kiragu Wambugu	20.125
Cis Mara/Lemek/2385	John Kiragu Wambugu	21.288
Cis Mara/Lemek/2386	Salaton Tompo	22.770
Cis Mara/Lemek/2387	John Kiragu Wambugu	19.685
Cis Mara/Lemek/2388	John Kiragu Wambugu	40.538
Cis Mara/Lemek/2389	John Kiragu Wambugu	20.125
Cis Mara/Lemek/2390	John Kiragu Wambugu	20.125
Cis Mara/Lemek/2391	John Kiragu Wambugu	20.125
Cis Mara/Lemek/2392	John Kiragu Wambugu	20.125
Cis Mara/Lemek/2393	John Kiragu Wambugu	20.125
Cis Mara/Lemek/2395	John Kiragu Wambugu	16.748
Cis Mara/Lemek/2396	John Kiragu Wambugu	42.75
Cis Mara/Lemek/2397	John Kiragu Wambugu	42.75
Cis Mara/Lemek/3048	Koickon ole Pusikishu	19.23
Cis Mara/Lemek/2320	John Kiragu Wambugu	4.345
Cis Mara/Lemek/2328	John Kiragu Wambugu	3.600
Cis Mara/Lemek/2329	John Kiragu Wambugu	3.600
Cis Mara/Lemek/2330	John Kiragu Wambugu	3.600
Cis Mara/Lemek/2331	John Kiragu Wambugu	3.66
Cis Mara/Lemek/2351	Siamanta enc Nabaala	8.09
Cis Mara/Lemek/2352	Kinyikita enc Nabaala	3.840



Cis Mara/Lemck/2353	Musa Booy ole Nampaso	3.300
Cis Mara/Lemck/2360		20.24
Cis Mara/Lemck/2369	Pempa ole Naimodu	12.760
Cis Mara/Lemck/2368	John Kiragu Wambugu	12.760
Cis Mara/Lemck/2371	Pempa ole Naimodu	12.760
Cis Mara/Lemck/2370	John Kiragu Wambugu	12.760
Cis Mara/Lemck/2374	John Kiragu Wambugu	17.160
Cis Mara/Lemck/2375	John Kiragu Wambugu	17.160
Cis Mara/Lemck/2376	John Kiragu Wambugu	17.160
Cis Mara/Lemck/2377	John Kiragu Wambugu	17.160
Cis Mara/Lemck/2378	John Kiragu Wambugu	18.910
Cis Mara/Lemck/2379	John Kiragu Wambugu	18.910
Cis Mara/Lemck/2380	John Kiragu Wambugu	40.870
Cis Mara/Lemck/2381	John Kiragu Wambugu	40.870
Cis Mara/Lemck/2164	John Kiragu Wambugu	51.50
Cis Mara/Lemck/2165	John Kiragu Wambugu	51.50
Cis Mara/Lemck/3250	John Kiragu Wambugu	20.24
Cis Mara/Lemck/860	Jeniffer Siando Ene Koriat	40.48
Cis Mara/Lemck/3785	John Kiragu Wambugu	20.16
Cis Mara/Lemck/3786	John Kiragu Wambugu	20.16
Cis Mara/Lemck/3079	John Kiragu Wambugu	11.81
Cis Mara/Lemck/3080	John Kiragu Wambugu	20.68
Cis Mara/Lemck/3081	John Kiragu Wambugu	8.09
Cis Mara/Lemck/3270	John Kiragu Wambugu	25.75
Cis Mara/Lemck/3567	John Kiragu Wambugu	22.26
Cis Mara/Lemck/3568	John Kiragu Wambugu	30.34

Plans of the affected land may be inspected during office hours at the office of the National Land Commission, Ardhi House, 3rd Floor, Room 305, and 1st Ngong Avenue, Nairobi. Notice of inquiries will be published in the Kenya Gazette as per section 112 (1) of the Land Act.

MUHAMMAD A. SWAZURI,  
Chairman, National Land Commission.

MR/4808646

GAZETTE NOTICE No. 5693

THE LAND ACT

(No. 6 of 2012)

CONSTRUCTION OF NDORI-NG' IYA ROAD

INTENTION TO ACQUIRE

IN PURSUANCE of the transitional provisions contained in section 162 (2) of the Land Act and section 6 (2) of the Land Acquisition Act (Cap 295, Repealed), and further to Gazette Notice No. 6344 of 2011, the National Land Commission gives notice that the Government intends to acquire the following parcels of land for Kenya National Highways Authority (KeNHA) for construction of Ndori-Ng' Iya road in Siaya County.

Plot No.	Registered Owner	Area to be Acquired (Ha)
Kogelo Nyangoma/309	Onyango Obura	0.025
Kogelo Nyangoma/971	Joseph Ogutu Ojala	0.0891
Kogelo Nyangoma/970	Obongo s/o Oyaro	0.0281
Kogelo Nyangoma/1069	Gabriel Omuodo Omolo	0.1852
Masumbi/907	Ochlenq Ochlenq	0.0303
Masumbi/908	Alexander Ochoro Ochlenq	0.06
Masumbi/909	Rabuogi Owuor	0.0192
Masumbi/910	Ochlenq Oloo	0.0363
Masumbi/911	Okola Ochlenq	0.0276
Masumbi/912	Willington Oloo Rabuogi	0.032
Masumbi/704	Michael Obiero	0.0208
Masumbi/701	Atilo Odera	0.0084
Masumbi/700	Michael Okwadha Oralo	0.0021
Abom/853	Ahono Ondiek	0.1647
Abom/3462	Oyange Omolo	0.0247
Abom/1185	---	0.0773
Abom/1251	Gabriel Abudho Owill	0.0045
Abom/3788	Joshua Awino Awino	0.5178
Abom/3789	Peter Henry Okundi Ogonji	0.6992
Abom/499	Owino Akal	0.0158
Abom/563	Oginga Oludhe	0.0211
Abom/495	Maurice Omondi Ouko	0.0158
Abom/1136	Atuka Ondiege	0.0314
Ramba/2109	Samwel Jasper Ochlenq	0.0071
Ramba/2110	Christopher Okech Bongo	0.0035

Corrigendum

Plot No.	Registered Owner	Area to be Acquired (Ha)
Kogelo Nyangoma/257	Dora Sewe	0.1726
Kogelo Nyangoma/315	James Omila Omolo and Alfred Otieno Oloo	0.0281
Kogelo Nyangoma/184	Siaya County Council	0.0034
Abom/3637	Grant Juma Otieno	0.0052
Abom/3455	Emanuel Otieno	0.0158
Abom/1230	Paul Agutu Onyango	0.1057
Abom/1181	Omuodhe Onyang'	0.0391
Abom/1169	Palrice Ong'owo Onyango	0.0245
Abom/1059	Peter Onyango Oyor	0.0414
Abom/712	George Osino Okore	0.0223
Abom/713	William Nyangute	0.0230
Abom/714	Owuor Opany	0.0158
Abom/715	Tito Odindo Babu	0.0377
Abom/745	Henry Awendo	0.0406
Ramba/2444	Peter Omulo Bwana	0.0521

De gazette ment

Plot No.	Registered Owner	Area to be Acquired (Ha)
Abom/858	Obiero Ondiek	0.1647
Abom/501	Charles Otieno Mwombo	1.3435
Abom/3537	Thaddeus Allan Onyogo Juma	0.0011
Abom/1233	Marcel Owino Agutu	0.0007
Kogelo Nyangoma/1031	Gabriel Omuodo Omolo	0.1266
Kogelo Nyangoma/1032	Abong'o Malik Obama	0.0402
Kogelo Nyangoma/195	Obongo Oyaro	0.0593

Plans for the affected land may be inspected during office hours at Siaya County Land's Office or the Commission's office in Ardhi House, 1st Ngong Avenue, Room 305. Notice of hearing of claims to compensation by persons interested in the land required by the above project will be published in the Kenya Gazette as provided under section 112 (1) of the Land Act, 2012.

Dated the 10th October, 2016.

MR/4607168

MUHAMMAD A. SWAZURI,  
Chairman, National Land Commission.





OFFICE OF THE CHAIRMAN

Telegrams: "MINILANDS", Nairobi  
Telephone: Nairobi 2718050  
When replying please quote



②

Col. [Signature]  
ARINJI HOUSE  
NGONG ROAD  
P.O. Box 44417  
NAIROBI  
10/12/18

Ref: NLC/VAL 1557

Saitoti Torome, CBS  
Principal Secretary  
Ministry of Defence  
Ulinzi House  
NAIROBI

③ 4<sup>th</sup> Brief to CDF  
4<sup>th</sup> December 2018

VCDF

① Please TNA.  
This needs to be  
fast track to enable  
the taking of the  
needed.

THE LAND ACT (NO. 6 OF 2012)  
PROPOSED NAROK MILITARY LAND GAZETEMENT

The Commission carried out inspections vide Gazette Notice No. 5692 of 8<sup>th</sup> June 2018 and Inquiries vide Gazette Notice No. 10006 of 28<sup>th</sup> September 2018 for compulsory land acquisition for military use in Narok County.

10/12/18

Find attached herewith the first schedule for compensation of the above project. Kindly make arrangements to deposit Kshs.175,866,730/= to enable pay compensation for the affected persons identified in the attached compensation schedule to the National Land Commission bank account whose details are as hereunder:

Account Name	:	National Land Commission
Bank	:	National Bank
Branch	:	Upper Hill
Account Number	:	01001032980000
Bank Code	:	12004

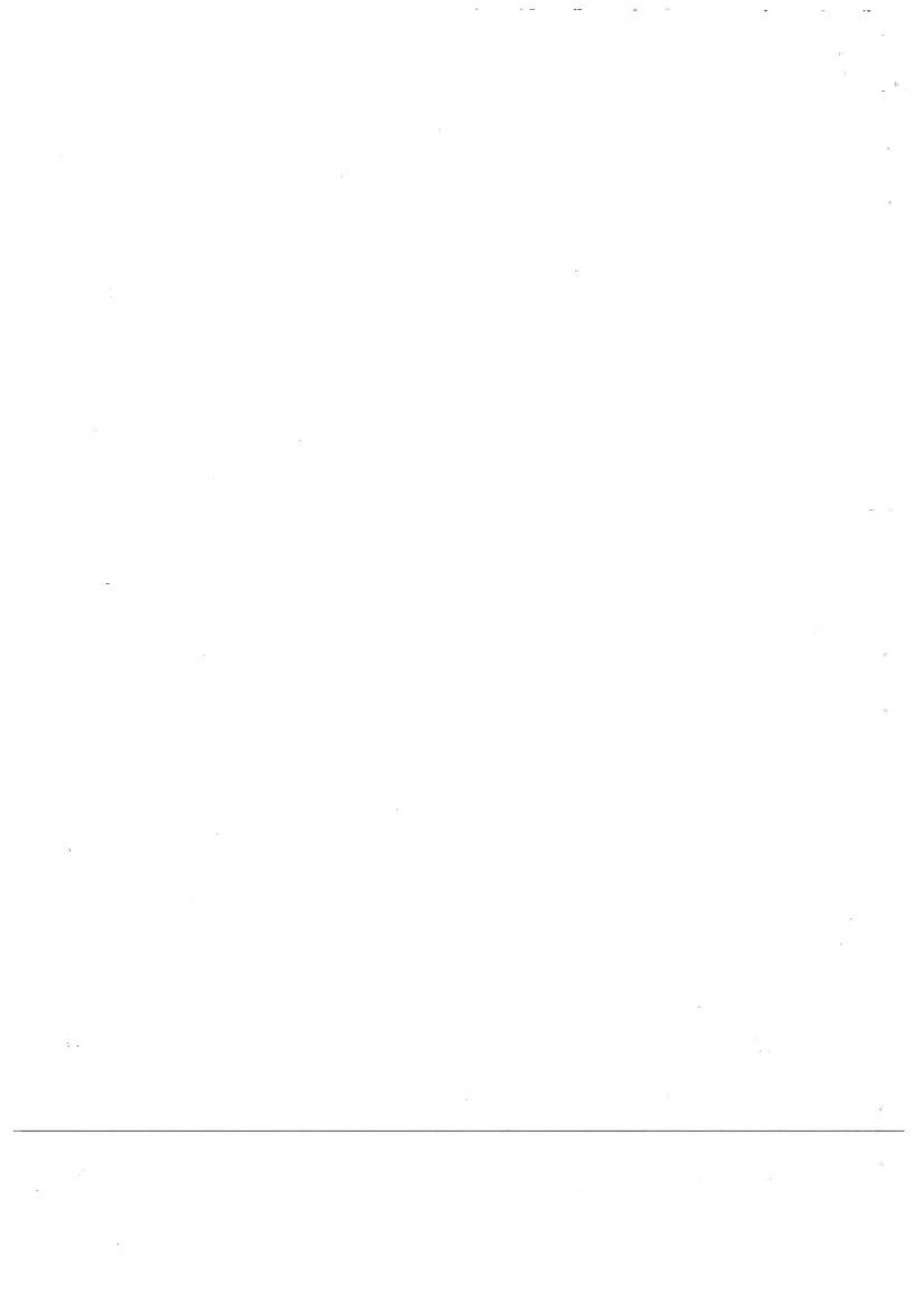
Your prompt action will enable the Commission to disburse the payments on time in accordance with the constitutional provision on promptness of just compensation.

*[Signature]*

Prof. Muhammad A. Swazuri, PhD, OGW  
Chairman, National Land Commission and  
Associate Professor in Land Economics

Encl.







NAROK MILITARY LAND VALUATION SCHEDULE 1

NO.	PLOT-NO.	REGISTERED OWNER	AREA (HA)	PAYEE	AMOUNT
1	CIS MARA/OLKENYEI/243	DEEBUS PASHUMPA OLIIGERO AND CHARLES NAMPASO	68.7	DEEBUS PASHUMPA-OLIIGERO AND CHARLES NAMPASO	40,699,077.25
2	CIS MARA/OLKENYEI/242	DENNIS KASHUMPA	68.7	DENNIS KASHUMPA	39,060,709.25
3	CIS MARA/OLKENYEI/882	MOSES OLOISHURO, JONATHAN ROUKO,	68.7	JONATHAN RONKO, MOSES RONKO, YIAMET RONKO, MARIKET RONKO	25,105,940.00
4	CIS MARA/LEMEK/3048	DOMINIC MANIPET, YEMET RONYO	19.23	KOILEKEN OLE PASIKISHU	14,198,540.43
5	CIS MARA/LEMEK/3049	KOILEKEN OLE PASIKISHU	29.68	YIAMPOI ENE KEEBELEKENYA	13,951,801.80
6	CIS MARA/LEMEK/3337	MARIAMA NEMBAPANG O. NAABALA	2.2	MARIAMA NEMBAPANG O. NAABALA	937,744.50
7	CIS MARA/LEMEK/3338	MARIAMA NEMBAPANG O. NAABALA	2.02	MARIAMA NEMBAPANG O. NAABALA	861,019.95
8	CIS MARA/LEMEK/3339	MARIAMA NEMBAPANG O. NAABALA	2.02	MARIAMA NEMBAPANG O. NAABALA	861,019.95
9	CIS MARA/LEMEK/3340	MARIAMA NEMBAPANG O. NAABALA	2.02	MARIAMA NEMBAPANG O. NAABALA	861,019.95
10	CIS MARA/LEMEK/3341	MARIAMA NEMBAPANG O. NAABALA	2.02	MARIAMA NEMBAPANG O. NAABALA	861,019.95
11	CIS MARA/LEMEK/2397	JOHN KIRAGU WAMBUGU	42.75	JOHN KIRAGU WAMBUGU	18,222,080.63
12	CIS MARA/LEMEK/863	MARIAMA NEMBAPANG O. NAABALA	47.5	MARIAMA NEMBAPANG O. NAABALA	20,246,756.25
		TOTAL ACREAGE (HA)	355.547	TOTAL	175,866,729.90

  
 JACOB KIPAA  
 CHIEF VALUER

  
 JOASH OINDO  
 AG. DIRECTOR VALUATION & TAXATION



GAZETTE NOTICE No. 5690

THE LAND REGISTRATION ACT  
(No. 3 of 2012)

REGISTRATION OF INSTRUMENT

WHEREAS Njagi Nguu (deceased), is registered as proprietor of that piece of land known as Nihawa/Riandu/645, situate in the district of Mbeere, and whereas the High Court at Embu in succession cause No. 203 of 2015, has issued grant of letters of administration and certificate of confirmation of grant in favour of (1) Inyasio Kinyua Njagi and (2) Victor Kyura Njagi, and whereas the said court has executed an application to be registered as proprietors by transmission R.L. 19 in respect of the said parcel of land registered in the name of Njagi Nguu (deceased), and whereas the land title deed issued in respect of the said piece of land has been reported missing or lost, notice is given that after the expiration of thirty (30) days from the date hereof, provided no valid objection has been received within that period, I intend to dispense with the production of the said land title deed and proceed with the registration of the said application to be registered as proprietor by transmission R. L. 19 in the names of (1) Inyasio Kinyua Njagi and (2) Victor Kyura Njagi and upon such registration the land title deed issued to the said Njagi Nguu (deceased), shall be deemed to be cancelled and of no effect.

Dated the 8th June, 2016.

I. N. NJIRU,

MR/4808648

Land Registrar, Mbeere District.

GAZETTE NOTICE No. 5691

THE LAND REGISTRATION ACT  
(No. 3 of 2012)

REGISTRATION OF INSTRUMENT

WHEREAS Sulman Owango Kanyago (deceased), is registered as proprietor of that piece of land containing 1.4 hectares or thereabout, known as West Kasipi/Kodera Karabach/1274, situate in the district of Rachuonyo, and whereas the principal magistrate's court at Oyugis in succession cause No. 177 of 2017, has issued transmission documents to Francis Rabach Owango, and whereas all efforts made to trace the said land title deed have failed, notice is given that after the expiration of thirty (30) days from the date hereof, provided no valid objection has been received within that period, I intend to dispense with the production of the said land title deed and proceed with the registration of R.L. 19 and R.L. 7 to read Francis Rabach Owango, and upon such registration the land title deed issued earlier to the said Sulman Owango Kanyago (deceased), shall be deemed to be cancelled and of no effect.

Dated the 8th June, 2018.

E. O. ABUNDU,

MR/4808593

Land Registrar, Rachuonyo District.

GAZETTE NOTICE No. 5692

THE LAND ACT  
(No. 6 of 2012)  
PROPOSED NAROK MILITARY LAND  
INTENTION TO ACQUIRE

IN PURSUANCE of sections 112 and 162 of the Land Act, 2012, Part VIII, the National Land Commission on behalf of the Ministry of Defense gives notice that the National Government intends to acquire the following parcels of land for military use in Narok County.

Registration Section	Registered Land Owner	Area to be Acquired(Ha.)
Cis Mara/Olkenyui/242	Dennis Kashumpa Loigero	68.70 H: 68
Cis Mara/Olkenyui/674	Lecyio ole Lempere	48.18

Registration Section	Registered Land Owner	Area to be Acquired(Ha.)
Cis Mara/Lemek/243	Dennis Kashumpa Loigero	68.70
Cis Mara/Lemek/3033	Simon Hanta Ololapori Carolyn Sopiaton Simon	26.526
Cis Mara/Lemek/3337	Marima Nemparang	2.20
Cis Mara/Lemek/3338	Marima Nemparang ole Nabaala	2.02
Cis Mara/Lemek/3339	Marima Nemparang ole Nabaala	2.02
Cis Mara/Lemek/3340	Marima Nemparang ole Nabaala	2.02
Cis Mara/Lemek/3341	Marima Nemparang ole Nabaala	2.02
Cis Mara/Lemek/3342	Risa ole Mpooye	2.02
Cis Mara/Lemek/3343	Risa ole Mpooye	2.02
Cis Mara/Lemek/3344	Risa ole Mpooye	2.02
Cis Mara/Lemek/3345	Marima Nemparang	2.02
Cis Mara/Lemek/3346	Marima Nemparang	2.02
Cis Mara/Lemek/3347	Marima Nemparang	2.02
Cis Mara/Lemek/3348	Lekuna ole Nabaala	8.09
Cis Mara/Lemek/3349	Marima Nemparang	10.12
Cis Mara/Lemek/3351	Siamanta ene Nabaala	
Cis Mara/Lemek/3352	Siamanta ene Nabaala	12.14
Cis Mara/Lemek/3354	George Asiligwa Kahi	40.485
Cis Mara/Lemek/3368	Lepere ole Siololo	8.09
Cis Mara/Lemek/3369	Simon Nasooire Malelong	12.14
Cis Mara/Lemek/3371	Nicholas Koitnat Nabaala	8.09
Cis Mara/Lemek/839	John Kiragu Wambugu	41.35
Cis Mara/Lemek/863	Marima Nemparang	47.50
Cis Mara/Lemek/2383	John Kiragu Wambugu	20.125
Cis Mara/Lemek/2384	John Kiragu Wambugu	20.125
Cis Mara/Lemek/2385	John Kiragu Wambugu	21.288
Cis Mara/Lemek/2386	Salaton Tompo	22.770
Cis Mara/Lemek/2387	John Kiragu Wambugu	19.685
Cis Mara/Lemek/2388	John Kiragu Wambugu	40.538
Cis Mara/Lemek/2389	John Kiragu Wambugu	20.125
Cis Mara/Lemek/2390	John Kiragu Wambugu	20.125
Cis Mara/Lemek/2391	John Kiragu Wambugu	20.125
Cis Mara/Lemek/2392	John Kiragu Wambugu	20.125
Cis Mara/Lemek/2393	John Kiragu Wambugu	20.125
Cis Mara/Lemek/2395	John Kiragu Wambugu	16.748
Cis Mara/Lemek/2396	John Kiragu Wambugu	42.75
Cis Mara/Lemek/2397	John Kiragu Wambugu	42.75
Cis Mara/Lemek/3048	Koileken ole Pusikishu	19.23
Cis Mara/Lemek/2320	John Kiragu Wambugu	4.345
Cis Mara/Lemek/2328	John Kiragu Wambugu	3.600
Cis Mara/Lemek/2329	John Kiragu Wambugu	3.600
Cis Mara/Lemek/2330	John Kiragu Wambugu	3.600
Cis Mara/Lemek/2331	John Kiragu Wambugu	3.66
Cis Mara/Lemek/2351	Siamanta ene Nabanlu	8.09
Cis Mara/Lemek/2352	Kinyikita ene Nabaala	3.840



Registration Section	Registered Land Owner	Area to be Acquired(Ha.)
Cis Mara/Lemek/2353	Musa/Booyole Nampaso	3.300
Cis Mara/Lemek/2360		20.74
Cis Mara/Lemek/2369	Pempa ole Naimodu	12.760
Cis Mara/Lemek/2368	John Kiragu Wambugu	12.760
Cis Mara/Lemek/2371	Pempa ole Naimodu	12.760
Cis Mara/Lemek/2370	John Kiragu Wambugu	12.760
Cis Mara/Lemek/2374	John Kiragu Wambugu	17.160
Cis Mara/Lemek/2375	John Kiragu Wambugu	17.160
Cis Mara/Lemek/2376	John Kiragu Wambugu	17.160
Cis Mara/Lemek/2377	John Kiragu Wambugu	17.160
Cis Mara/Lemek/2378	John Kiragu Wambugu	18.910
Cis Mara/Lemek/2379	John Kiragu Wambugu	18.910
Cis Mara/Lemek/2380	John Kiragu Wambugu	40.870
Cis Mara/Lemek/2381	John Kiragu Wambugu	40.870
Cis Mara/Lemek/2164	John Kiragu Wambugu	51.50
Cis Mara/Lemek/2165	John Kiragu Wambugu	51.50
Cis Mara/Lemek/3250	John Kiragu Wambugu	20.24
Cis Mara/Lemek/860	Jeniffer Siando Ene Koriat	40.48
Cis Mara/Lemek/3785	John Kiragu Wambugu	20.16
Cis Mara/Lemek/3786	John Kiragu Wambugu	20.16
Cis Mara/Lemek/3079	John Kiragu Wambugu	11.81
Cis Mara/Lemek/3080	John Kiragu Wambugu	20.68
Cis Mara/Lemek/3081	John Kiragu Wambugu	8.09
Cis Mara/Lemek/3270	John Kiragu Wambugu	25.75
Cis Mara/Lemek/3567	John Kiragu Wambugu	22.26
Cis Mara/Lemek/3568	John Kiragu Wambugu	30.34

Plans of the affected land may be inspected during office hours at the office of the National Land Commission, Ardhi House, 3rd Floor, Room 305, and 1st Ngong Avenue, Nairobi. Notice of inquiries will be published in the Kenya Gazette as per section 12 (1) of the Land Act.

MR/4808646  
 MUHAMMAD A. SWAZURI,  
 Chairman, National Land Commission.

GAZETTE NOTICE No. 5693

THE LAND ACT

(No. 6 of 2012)

CONSTRUCTION OF NDORI-NG' IYA ROAD

INTENTION TO ACQUIRE

IN PURSUANCE of the transitional provisions contained in section 162 (2) of the Land Act and section 6 (2) of the Land Acquisition Act (Cap 295, Repealed), and further to Gazette Notice No. 6344 of 2011, the National Land Commission gives notice that the Government intends to acquire the following parcels of land for Kenya National Highways Authority (KeNHA) for construction of Ndori-Ng' Iya road in Siaya County.

SCHEDULE

Plot No.	Registered Owner	Area to be Acquired (Ha)
Kogelo Nyangoma/309	Onyango Obura	0.025
Kogelo Nyangoma/971	Joseph Ogutu Ojala	0.0891
Kogelo Nyangoma/970	Obongo s/o Oyaro	0.0281
Kogelo Nyangoma/1069	Gabriel Omuodo Omolo	0.1862
Masumbi/907	Ochlang Ochlang	0.0303
Masumbi/908	Alexander Ochoro Ochlang	0.06
Masumbi/909	Rebuogi Owuor	0.0192
Masumbi/910	Ochlang Oloo	0.0363
Masumbi/911	Okola Ochlang	0.0276
Masumbi/912	Willington Oloo Rebuogi	0.032
Masumbi/704	Michael Obiero	0.0208
Masumbi/701	Atto Odera	0.0084
Masumbi/700	Michael Okwadhwa Orato	0.0021
Abom/853	Ahono Ondiek	0.1647
Abom/3462	Oyange Omolo	0.0247
Abom/1185		0.0773
Abom/1251	Gabriel Abudho Owiti	0.0045
Abom/3788	Joshua Awino Awino	0.5178
Abom/3789	Peter Henry Okundi Ogoni	0.6992
Abom/499	Owino Akal	0.0158
Abom/563	Oginga Oludhe	0.0211
Abom/495	Maurice Omondi Ouko	0.0158
Abom/1136	Aluka Ondiege	0.0314
Ramba/2109	Samwel Jasper Ochlang	0.0071
Ramba/2110	Christopher Okach Bongo	0.0035

Corrigendum

Plot No.	Registered Owner	Area to be Acquired(Ha)
Kogelo Nyangoma/257	Dora Sewe	0.1728
Kogelo Nyangoma/315	James Omita Omolo and Alfred Otieno Oloo	0.0281
Kogelo Nyangoma/184	Siaya County Council	0.0034
Abom/3637	Grant Juma Otieno	0.0052
Abom/3455	Emanuel Otieno	0.0158
Abom/1230	Paul Agutu Onyango	0.1057
Abom/1181	Omuudhe Onyang'	0.0391
Abom/1169	Patrice Onyango Onyango	0.0245
Abom/1059	Peter Onyango Oyor	0.0414
Abom/712	George Osino Okore	0.0223
Abom/713	William Nyangute	0.0230
Abom/714	Owuor Opariy	0.0158
Abom/715	Tito Odindo Babu	0.0377
Abom/745	Henry Awendo	0.0406
Ramba/2444	Peter Omulo Bwana	0.0521

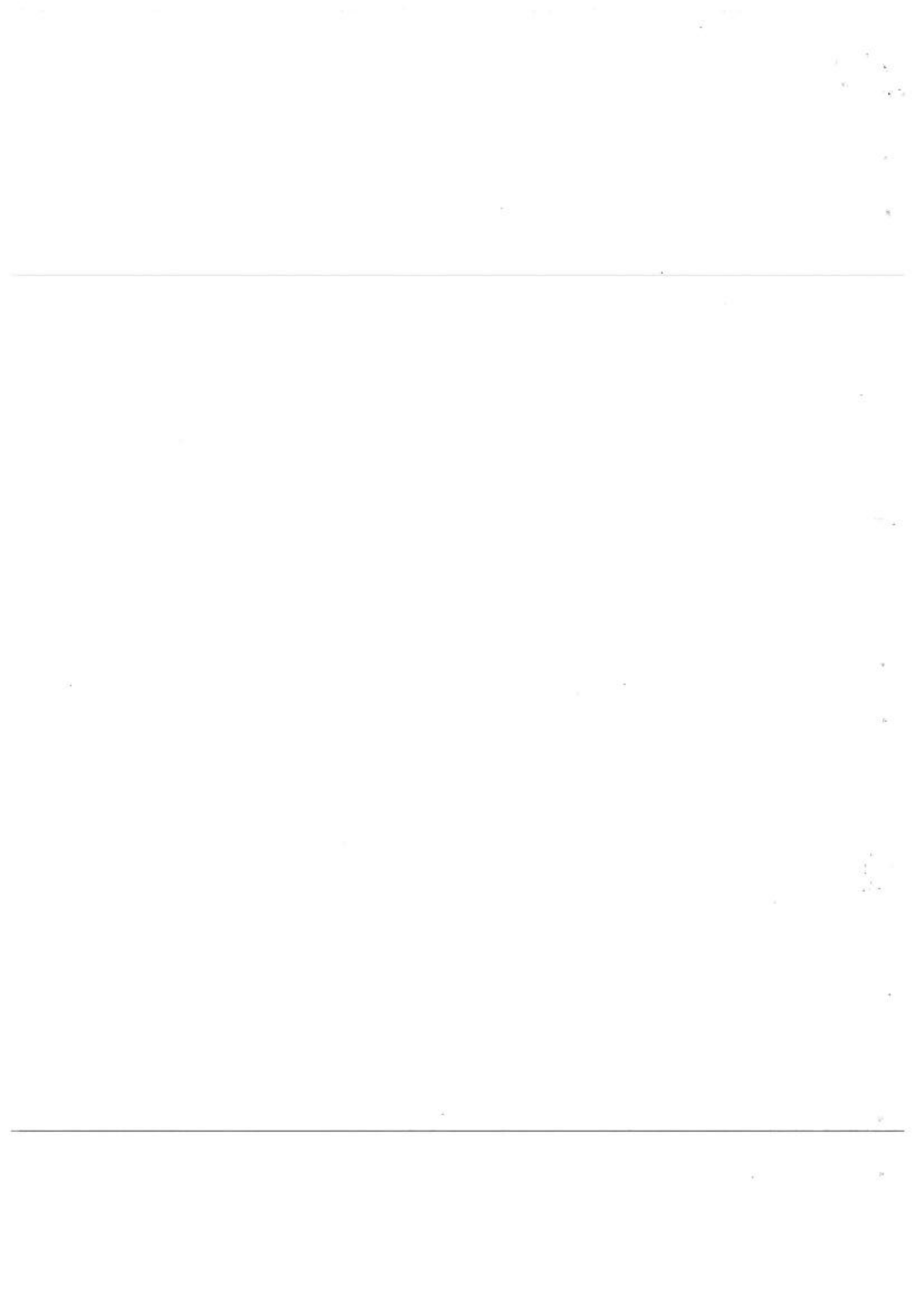
Degazettement

Plot No.	Registered Owner	Area to be Acquired(Ha)
Abom/858	Oblero Ondiek	0.1647
Abom/501	Charles Otieno Mwombo	1.3435
Abom/3537	Thaddeus Allan Onyogo Juma	0.0011
Abom/1233	Marcel Owino Agutu	0.0007
Kogelo Nyangoma/1031	Gabriel Omuodo Omolo	0.1266
Kogelo Nyangoma/1032	Abong'o Malik Obama	0.0402
Kogelo Nyangoma/195	Obongo Oyaro	0.0693

Plans for the affected land may be inspected during office hours at Siaya County Land's Office or the Commission's office in Ardhi House, 1st Ngong Avenue, Room 305. Notice of hearing of claims to compensation by persons interested in the land required by the above project will be published in the Kenya Gazette as provided under section 112 (1) of the Land Act, 2012.

Dated the 10th October, 2016.

MR/4807168  
 MUHAMMAD A. SWAZURI,  
 Chairman, National Land Commission.





NOTICE No. 10002

## THE LAND REGISTRATION ACT

(No. 3 of 2012)

## REGISTRATION OF INSTRUMENT

WHEREAS Martha Kioko, of P.O. Box 753-90100, Machakos in the Republic of Kenya, is registered as proprietor of that piece of land containing 28.02 hectares or thereabout, known as Mavoko/Town Block 3/2835, situate in the district of Machakos, and whereas the High Court at Machakos in succession cause No. 107 of 2013, has ordered that the said piece of land be transferred to Wellington Kiiti Kioko, of P.O. Box 753-90100, Machakos, and whereas the judge of the Court has in pursuance to an order of the court executed the grant and confirmation of grant in favour of the above named beneficiary, and whereas all the efforts made to recover the land certificate issued in respect of the said piece of land by the land registrar have failed, notice is given that after the expiration of thirty (30) days from the date hereof, provided no valid objection has been received within that period, I intend to dispense with the production of the said land certificate and proceed with the said instrument of transfer and issue a land certificate to the said Wellington Kiiti Kioko, and upon such registration the land certificate issued earlier to the said Martha Kioko, shall be deemed to be cancelled and of no effect.

Dated the 28th September, 2018.

MR/5353164

G. M. NJOROGE,  
Land Registrar, Machakos District.

GAZETTE NOTICE No. 10003

## THE LAND REGISTRATION ACT

(No. 3 of 2012)

## REGISTRATION OF INSTRUMENTS

WHEREAS Tobiko Nangoru (deceased), is registered as proprietor of those pieces of land containing 0.10 and 0.14 hectare or thereabouts, known as Ngong/Ngong/15901, 85900 and 85899, respectively, situate in the district of Kajiado North, and whereas the High Court at Machakos in succession cause No. 527 of 2011, has issued grant of letters of administration to Jane Ngendo Tubitu, and whereas the said title deeds issued earlier to the said Tobiko Nangoru (deceased), has been reported missing or lost, notice is given that after the expiration of thirty (30) days from the date hereof, provided no valid objection has been received within that period, I intend to dispense with the production of the said land title deed and proceed with registration of the said instruments of R. L. 19 and R. L. 7, and upon such registration the land title deeds issued to the said Tobiko Nangoru (deceased), shall be deemed to be cancelled and of no effect.

Dated the 28th September, 2018.

MR/5319811

G. R. GICHUKI,  
Land Registrar, Kajiado North District.

GAZETTE NOTICE No. 10004

## THE LAND REGISTRATION ACT

(No. 3 of 2012)

## REGISTRATION OF INSTRUMENT

WHEREAS Meliki Bernard Mukonga, is registered as proprietor of that piece of land known as Mulangu/Wikililye/1717, situate in the district of Kitui, and whereas the chief magistrate's court at Kitui in succession cause No. 38 of 2015 has issued grant of letters of administration to Mary Syovata Kavota, and whereas the land title deed issued earlier to the said Meliki Bernard Mukonga has been reported missing or lost, notice is given that after the expiration of thirty (30) days from the date hereof, provided no valid objection has been received within that period, I intend to dispense with the production of the said land title deed, and proceed with registration of the said instrument of administration and succession, and upon such registration the land title deed issued earlier shall be deemed to be cancelled and of no effect.

Dated the 28th September, 2018.

MR/5353465

L. K. MUGUTI,  
Land Registrar, Kitui District.

GAZETTE NOTICE No. 10005

## THE LAND REGISTRATION ACT

(No. 3 of 2012)

## REGISTRATION OF INSTRUMENTS

WHEREAS Samuel Kavota, is registered as proprietor of those pieces of land containing 0.045 and 0.035 hectare or thereabouts, known as Mulangu/Wikililye/1555 and 1554, respectively, situate in the district of Kitui, and whereas the chief magistrate's court at Kitui in succession cause No. 89 of 2015 has issued grant of letters of administration to Mary Syovata Kavota, and whereas the land title deeds issued earlier to the said Samuel Kavota have been reported missing or lost, notice is given that after the expiration of thirty (30) days from the date hereof, provided no valid objection has been received within that period, I intend to dispense with the production of the said land title deeds and proceed with registration of the said instrument of administration and succession, and upon such registration the land title deeds issued earlier shall be deemed to be cancelled and of no effect.

Dated the 28th September, 2018.

MR/5353350

L. K. MUGUTI,  
Land Registrar, Kitui District.

GAZETTE NOTICE No. 10006

## THE LAND ACT

(No. 6 of 2012)

## PROPOSED NAROK MILITARY LAND

## INQUIRY

IN PURSUANCE of the Land Act, 2012 Part VIII and further to Gazette Notice No. 5692 of 2018, add the following:

Addendum		
Parcel No.	Registered Owner	Approx. Area Affected (Ha.)
Cis Mara/Lemek/3049	Yiampoi Enole Kebelekenya	29.68
Cis Mara/Lemek/3036	Wilson Mboi Oloisa	19.76
Cis Mara/Lemek/3037	Lerionka ole Pion	20.24
Corrigendum		
Parcel No.	Registered Owner	Approx. Area Affected (Ha.)
Cis Mara/Olkenyui/243	Doebus Pashampa Plogigero and Charles Numpaso	68.70

Inquiries for the land parcels will be held as follows;

Lemek Chief's Office at 9.30 a.m on Tuesday, 16th October, 2018.

Cis Mara/Olkenyui/242	Dennis Kashumba	68.70
Cis Mara/Olkenyui/243	Doebus Pashampa Ololigero and Charles Numpaso	68.70
Cis Mara/Lemek/3337	Marina Nempabang O. Nabaala	2.20
Cis Mara/Lemek/3338	Marina Nempabang O. Nabaala	2.02
Cis Mara/Lemek/3339	Marina Nempabang O. Nabaala	2.02
Cis Mara/Lemek/3340	Marina Nempabang O. Nabaala	2.02
Cis Mara/Lemek/3341	Marina Nempabang O. Nabaala	2.02
Cis Mara/Lemek/2397	John Kiragu Wambugu	42.75
Cis Mara/Lemek/863	Marina Nempabang O. Nabaala	47.50
Cis Mara/Lemek/3048	Kolloken ole Pusilikahu	19.23
Cis Mara/Lemek/3049	Yiampoi Enole Kebelekenya	29.68
Cis Mara/Lemek/3036	Wilson Mboi Oloisa	19.76
Cis Mara/Lemek/3037	Lerionka ole Pion	20.24

Every person interested in the affected land is required to deliver to the National Land Commission on or before the day of inquiry a written claim to compensation, copy of identity card (ID), Personal Identification No. (PIN), land ownership documents and Bank account details. Commission Offices are in Ardhi House, 3rd Floor, Room 305, Nairobi and Narok County Co-ordinator's office.

Dated the 11th September, 2018.

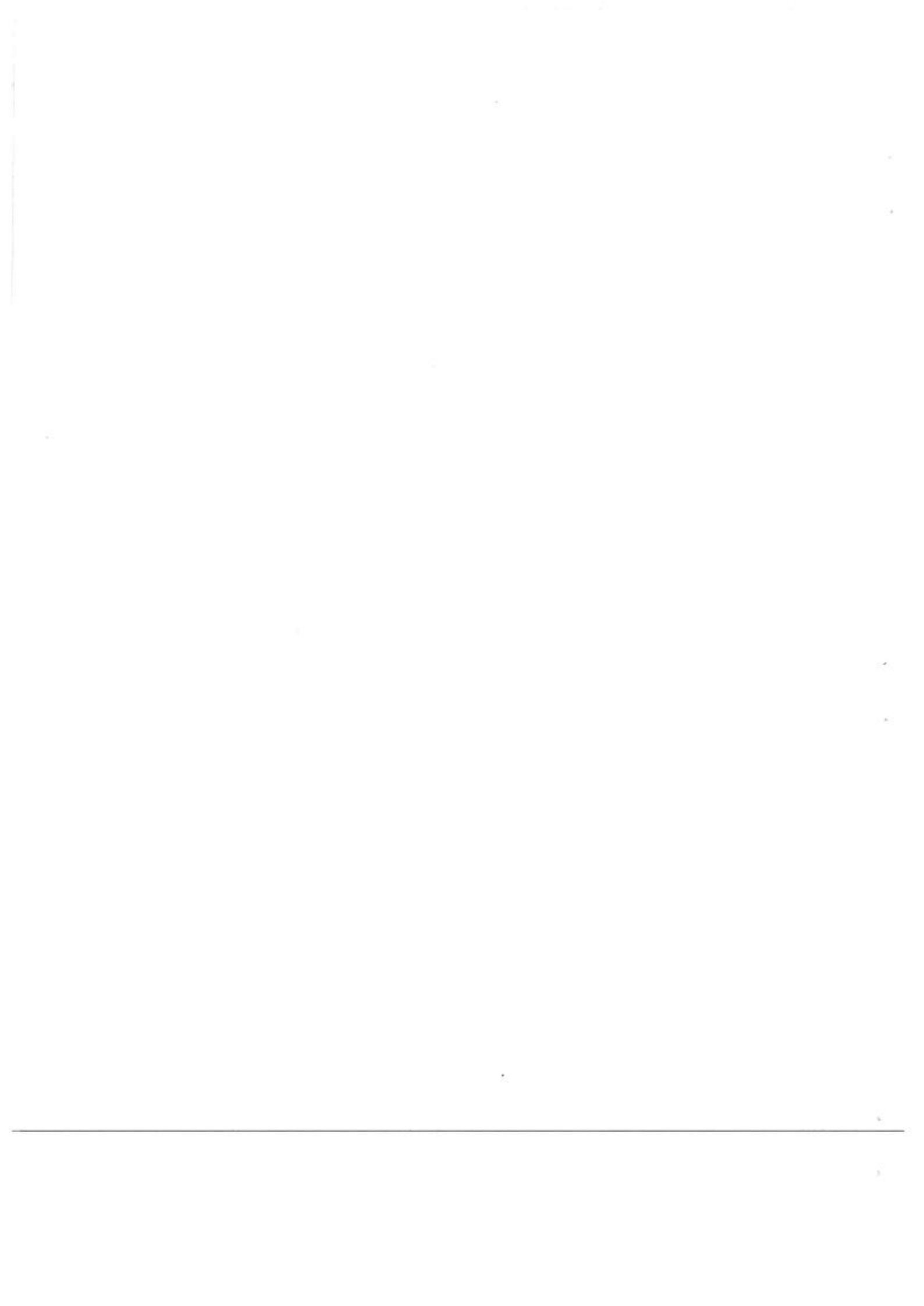
MR/5353048

ABIGAIL MBAGAYA-MUKOLWE,  
Ag. Chairperson.





**III C. Submissions from the Ministry of Agriculture,  
Livestock, Fisheries and Cooperatives**



REPUBLIC OF KENYA



① DICT/1001  
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10/102

MINISTRY OF AGRICULTURE, LIVESTOCK, FISHERIES AND COOPERATIVES  
OFFICE OF THE CABINET SECRETARY

Telephone: 2718870/9  
Website: [www.kilimo.go.ke](http://www.kilimo.go.ke)  
Email: [cabinetsecretary@kilimo.go.ke](mailto:cabinetsecretary@kilimo.go.ke)  
When replying please quote

KILIMO HOUSE  
CATHEDRAL ROAD  
P.O. Box 30028-00100  
NAIROBI

Ref. No. MOALF/ADM/1/27/3 VOL.X /45

7<sup>th</sup> February, 2020

**Mr. Michael Sialai, EBS**  
Clerk of the National Assembly  
Parliament buildings  
**NAIROBI**

② CHIBRET  
please deal  
FA  
12/2/20

Dear

*Mr. Sialai*

**RESPONSE TO THE REQUEST BY THE SELECT COMMITTEE ON  
IMPLEMENTATION FOR THE IMPLEMENTATION STATUS OF HOUSE  
RESOLUTIONS**

Reference is made to your letter Ref. NA/DCS/COI/2019(130) of 17<sup>th</sup> December, 2019 on the above subject.

Forwarded herewith please find response to the issues raised.

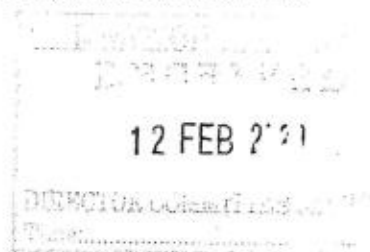
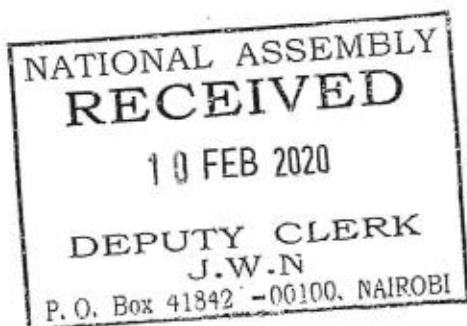
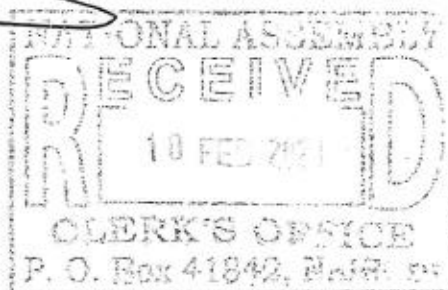
Yours

*Sincerely*

**HON. PETER MUNYA, MGH  
CABINET SECRETARY**

**Encl.**

③ ENKESW  
please note  
FA  
12/2/20





**MINISTRY OF AGRICULTURE, LIVESTOCK, FISHERIES AND  
COOPERATIVES**

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**RESPONSE TO THE REQUEST BY THE SELECT COMMITTEE ON  
IMPLEMENTATION FOR THE IMPLEMENTATION STATUS OF  
HOUSE RESOLUTIONS**

BY  
**HON. PETER MUNYA, MGH**

CABINET SECRETARY

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***FEBRUARY, 2020***

# **IMPLEMENTATION STATUS AND CHALLENGES FACED IN THE IMPLEMENTATION OF A RESOLUTION ON REGISTRATION OF FARMERS AND FORMATION OF AGRIBUSINESS ENTITIES**

## **1.0 REGISTRATION OF FARMERS**

### **1.1 Introduction**

Farmer registration is an important and critical exercise that informs stakeholders in the agricultural value chain. The registration exercise entails listing all farmers in the country. The baseline data to be captured during farmer registration include farm size, agricultural enterprises and service and extension services received by the farmer.

The farmer registration exercise is carried out by the Ministry of Agriculture, Livestock, Fisheries and Cooperatives in collaboration with other development partners and stakeholders such as Kenya National Bureau of Statistics, Ministry of Interior and Coordination of National Government, and FAO.

The Ministry of Interior and Coordination of National Government in collaboration with Ministry of Information Communication and Technology jointly implemented the National Integrated Identity Management System (NIIMS) Programme. The NIIMS exercise was a precursor activity to facilitate biometric identification of all farmers in the country. An agriculture module was integrated into the NIIMS questionnaire. The farmers' information was gender disaggregated and hence sex and age were captured. This was to facilitate provision of statistics on number of male and female farmers as well as youth. The module also captured agricultural enterprises in terms of crops, livestock, aquaculture and trees at household and institutional level. Total farm size was also captured to identify small-scale, medium scale and large scale farmers.

The Kenya National Bureau of Statistics (KNBS) in collaboration with Ministry of Agriculture, Livestock Fisheries and Irrigation developed and inserted an agriculture module in the Kenya Population and Housing Census (KPHC) 2019. This module was to facilitate identification of all farming households in the country, an activity that will generate the first national agricultural census sampling frame. The frame will give a list of all farming households and also indicate type of enterprises in terms of crops, livestock, and aquaculture. Further, the census information collected by KNBS can facilitate identification of farmers by geographical location.

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It is important to note that neither NIIMS nor KPHC exercises are equivalent to farmer registration. More information and finer details on type and varieties of crops, area

under each crop, breeds and age of livestock, breeds of fish, type and varieties of trees as well as expected yield data of all four enterprises should be captured during a comprehensive farmer registration exercise. Hence NIIMS and KPHC will generate national sampling frames to facilitate national farmer registration.

## **1.2 Rationale for Farmer Registration**

The Constitution of Kenya 2010 identified food security is a human right. The Ministry of Agriculture, Livestock, Fisheries and Cooperatives has the mandate to ensure 100% food and nutrition security and this is informed by national data on farmers and food production status, among other factors. The Strategic Plan for Agricultural and Rural Statistics (SPARS\_KEN 2015-2022) mandates the technical departments to generate their own agricultural statistics with KNBS providing statistical coordination. This will entail development national farmer register that provides baseline data on farmers disaggregated to the lowest administrative unit (Ward). The farmer register will be developed by listing all farmers in the country and capturing farmer personal bio data information on farm details. A farmer is a person engaged in growing of crops, or raising livestock or rearing fish for food or raw materials own or leased land.

Currently, there is no **National Farmer Register** that provides baseline data on all farmers and enterprises in Kenya. Data is needed to inform planning for national food security, policy formulation, capacity building, management of farm inputs subsidy, extension and financial service delivery, among others.

### **1.2.1 Objectives of Farmer Registration**

- i. Development of national farmer register
- ii. Collect farmer personal details.
- iii. Collect farm details.
- iv. Record farm enterprises.
- v. Record farm services.
- vi. Develop digital system for agricultural data management.
- vii. Develop an E-voucher system for agricultural inputs subsidy management.
- viii. Develop sampling frame for agricultural surveys.



### 1.2.2 Use of farmer registration data

- i. Planning and decision making for national food security (Implementation of the Big 4 Agenda 1).
- ii. Farm inputs subsidy management (seeds, fertilizers, agrochemicals).
- iii. Policy formulation and capacity building (gaps identified through registration).
- iv. Informs investment by stakeholders (source of raw materials for cottage and agro- industries).
- v. Guides Affirmative action interventions (women, youth, the poor and food insecure, people living with disabilities (PWDs)).
- vi. Enhances Market information and linkages
- vii. Enhances delivery of farm services such as:
  - ✓ Extension Services: technology dissemination,
  - ✓ Research Services: soil testing,
  - ✓ Financial services: Crop and livestock insurance, credit,
  - ✓ Farm mechanization: Tractor hire service
  - ✓ Irrigation services: Dams, water pans

### 1.2.3 Planned activities and implementation status

Activity	Time frame	Implementation status
Development of Concept Note	July-September 2018	Achieved
Development of Tools (Questionnaire and Training manual)	October -December 2018	Achieved
Development of ICT System for digital data capture	January-March 2019	Achieved
Development of Work plan and Budget	January-March 2019	Achieved

Drafting of Legal Notice	April-June 2019	Achieved
Sensitization of stakeholders	July-September 2019	Achieved
Mobilization of Resources	July -September 2019	Not achieved
Piloting in 2 counties	October –December 2019	Not achieved
Roll out to 47 counties	October –December 2019	Not achieved
Collaboration with Ministry Projects on Farmer Registration	January-May 2020	On-going

### **Challenges**

i. Inadequate funding

Approximately Ksh 3.6 billion required for farmer registration has not be availed

ii. Staffing

The Ministry of Agriculture, Livestock, Fisheries and Cooperatives rely on officers drawn from the 4 State Departments to implement farmer registration. The officers are often given other assignment hence not fully available for farmer registration activities.

iii. Moratorium

Ministry received a moratorium from the Head of Public Service stopping registration of all persons in the country by all Ministries, Departments and Agencies (MDAs). This was to give way to harmonized registration of persons through Huduma Namba by Ministry of Interior and Coordination of National Government. Framer registration therefore was temporarily stopped.

## **2.0 FORMATIONS OF AGRIBUSINESS ENTITIES**

### **2.1 Introduction**

Small and Medium Enterprises (SMES) are Agribusiness entities play a key role in triggering and sustaining economic growth and equitable development .They are crucial growth engines contributing to income, job creation, GDP and industrial development, while at the same time helping to satisfy local demand for inputs and services.

Under the big 4 agenda, the Ministry of Agriculture, livestock, Fisheries and Cooperatives is targeting to establish and strengthen 1,000 Farmer based SMEs by 2022.

### **2.2 Implementation status**

Currently, there are over 400 agribusiness entities which operate as Small and Medium Enterprises (SMEs) in crop and livestock based value chains. They are promoted through various projects and programmes within the ministry, mainly KCEP-CRAL, ASDSP, SHEP PLUS among others. Most of the SMEs are at formative stages whereas others have graduated to Common Interest Groups (CIGs) and cooperatives. These SMEs have specialized in input supply (Agro-dealers), production, produce aggregation, value addition, manufacturing and marketing.

The SMEs are faced with numerous and unique challenges which affect their growth and profitability. The challenges include;

- i. Lack of adequate managerial skills.
  - ii. Limited access to credit.
  - iii. Poor governance (Lack of transparency, accountability & cohesiveness)
  - iv. Inadequate capital (start up and operating)
  - v. Inadequate knowledge and skills.
  - vi. Rapid technology changes.
  - vii. Inconsistent supply of raw materials
- 
- viii. Limited market access
  - ix. Poor management of resources

- x. High cost of input
- xi. Competition from established enterprises
- xii. Poor infrastructure
- xiii. Inadequate incentives to support SMEs development

The Ministry has put in place several measures aimed at strengthening SMEs. These include;

- i. Formation of SME technical working committee and delivery team.
- ii. SME inventory, including Identification and mapping of existing SMEs and stakeholders
- iii. SMEs capacity building on business plans, marketing etc.
- iv. Facilitation and support of SMEs market linkages.

### **2.3 Challenge**

Inadequate funding

Signature.....

Date.....

**HON. PETER MUNYA, MGH**

**CABINET SECRETARY**



REPUBLIC OF KENYA



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29/7

**MINISTRY OF AGRICULTURE, LIVESTOCK, FISHERIES AND COOPERATIVES  
OFFICE OF THE CABINET SECRETARY**

Telephone: 2718870/9  
Website: [www.kilimo.go.ke](http://www.kilimo.go.ke)  
Email: [cabinetsecretary@kilimo.go.ke](mailto:cabinetsecretary@kilimo.go.ke)  
When replying please quote

KILIMO HOUSE  
CATHEDRAL ROAD  
P.O. Box 30028-00100  
NAIROBI

Ref. No. MOALF/ADM/1/27/3/VOL.X/52

27<sup>th</sup> July, 2020

**Mr. Michael R. Sialai, EBS**  
Clerk of the National Assembly  
Parliament Buildings  
**NAIROBI**

①  
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29/7

Dear

**STATUS OF IMPLEMENTATION OF RECOMMENDATIONS BY THE  
NATIONAL ASSEMBLY ON CHALLENGES FACED BY COFFEE RESEARCH  
INSTITUTE (CRI)**

This is a response to your letter Ref. NA/DCO/COI/2020(30) dated 9<sup>th</sup> July, 2020 requesting for status report to challenges faced by Coffee Research Institute (CRI).

Enclosed is the report ready for discussion with the committee.

Yours

*Sincerely*

*[Handwritten signature of Hon. Peter Munya]*

**HON. PETER MUNYA, MGH,  
CABINET SECRETARY**

Encl.

THE NATIONAL ASSEMBLY  
RECEIVED  
29 JUL 2020  
DIRECTOR COMMITTEE SERVICES  
Capt:.....Sign:.....

NATIONAL ASSEMBLY  
RECEIVED  
29 JUL 2020  
CLERK'S OFFICE  
P. O. Box 41842, NAIROBI



**REPUBLIC OF KENYA**



**MINISTRY OF AGRICULTURE, LIVESTOCK, FISHERIES AND COOPERATIVES**

---

**STATEMENT ON STATUS OF IMPLEMENTATION OF RECOMMENDATIONS BY  
THE NATIONAL ASSEMBLY ON CHALLENGES FACED BY COFFEE RESEARCH  
INSTITUTE**

BY  
**HON. PETER MUNYA, EGH, MGH  
CABINET SECRETARY**

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**JULY 2020**





**Recommendation 4: KALRO conducts a scientific audit on efficiency, effectiveness and economy on technologies and processes within the research institutes**

This will be done in future and with regard to availability of funds

**Recommendation 5: CRI works closely with farmers in coffee producing regions for adoption of innovations and provision of timely advisory services**

CRI continued to work with stakeholders to enhance services to farmers including

- a. Funding from Coffee Sector Implementation Committee (CSIC) to:
  - i) train 185 county extension staff from 27 coffee growing counties
  - ii) produce 140,000 coffee seedlings for distribution to farmers
  - iii) printing and distributing copies of its publications (Coffee Atlas and Coffee Growers' Recommendations) for all the 32 coffee growing counties as reference materials for extension services
  - iv) securing financing of KES 14,250,000 to assist in services of soil analysis and production of planting materials during the 2020/21 Financial Year
- b. Drafting projects and MoUs with Solidaridad, WeEffect and Fair Trade on training of farmers
- c. Development of the Coffee Revitalization Project to be funded by the World Bank. The project was launched by The Cabinet Secretary, Ministry of Agriculture, Livestock and Cooperatives on 20<sup>th</sup> April 2020. However, financing of the Project has not started yet.
- d. CRI is a partner in the GEF project under the Ministry of Environment and funded by FAO. It is currently at the inception stage.
- e. Offering advisories through ICT based technologies in view of the pandemic combined with controlled interactions



**III D. Submissions from the Kenya Medical  
Laboratory Technicians and Technologists Board**





Our Ref: KMTLLB/PARL.CORR/33/VOL.1/25



Date: 23<sup>rd</sup> JULY, 2020

Your Ref: NA/DCS/COI/2020/ (37)

THE CLERK'S CHAMBERS,  
THE NATIONAL ASSEMBLY,  
PARLIAMENT BUILDINGS,  
P.O. BOX 41842 – 00100  
NAIROBI

② CHEBET  
Please check  
FAA  
28/7/20

①  
D/cont  
27/7/20

Dear Sir,

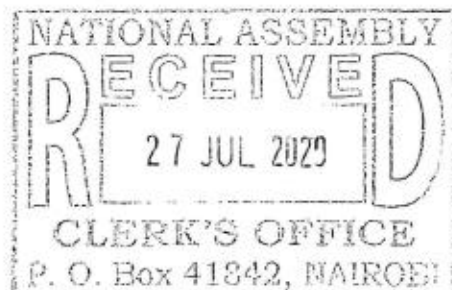
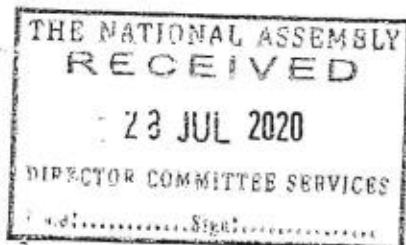
**RE: REQUEST BY THE SELECT COMMITTEE ON IMPLEMENTATION REGARDING  
IMPLEMENTATION STATUS OF HOUSE RESOLUTIONS**

We acknowledge with thanks receipt of your letter ref; NA/DCS/COI/2020/(37) dated 9<sup>th</sup> July, 2020 and received here on 14<sup>th</sup> July 2020 on the above subject matter. Below are the Board's responses as per the recommendations from the Departmental Committee on Education and Research on its consideration of the Petition regarding release of examination results for Mr. Nicky Odongo Lubanga by the Kenya Medical Laboratory Technicians and Technologists Board as communicated vide letter to ourselves Ref; NA/DLP/TBO/PET/2020(01) date 11<sup>th</sup> March, 2020;

1. The prayers of the petitioner to have his KMLTTB certification examinations results released and subsequent registration as Medical Laboratory Technologist by the Board be dismissed as he had failed the exams and further he did not meet the minimum qualifications to be registered as a Medical Laboratory Technologist.

**Response**

The Board wrote to Nicky Odongo Lubanga through Maseno University on the dismissal of his petition. *(See letter to university – Annex 1)*



Accordingly, the Board recommended to Maseno University to withdraw the petitioner's Medical Laboratory Science Degree. The Board also invited Maseno University to discuss the matter where the university was advised to offer Nicky Odongo Lubanga any other science based degree befitting his KCSE qualification together with his Diploma in Applied Biology.

### Challenge

There has been no communication from the University regarding the revocation of the Degree and the offer of other relevant course of training as recommended.

2. Training institutions should ensure that they incorporate Medical Laboratory Science course admission requirements and only admit students who meet the minimum requirements to undertake the course. Further they should ensure that the students meet the requirements set by the respective regulatory agencies for certification.

### Response

The Board has inspected all the Universities and Technical and Vocational Education Training (TVET) institutions in order to audit and provide support supervision for attainment of requisite standards. These standards and especially the minimum entry requirements are well disseminated to the institutions. The KMLTTB Training Compliance checklist and reports are anchored on our standards. All these audited institutions have received their reports based on our standards. *(See attached letters disseminating audit findings - Annex 2 and attendance lists – Annex 3)*

Apart from the audits, these institutions offering Medical Laboratory Science training program have participated in the core curricular review exercises where the minimum entry requirement to the course is incorporated and disseminated to them. *(See BSc and Diploma Curricular (see pages 1) – loose attachment of one copy each)*

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As a matter of standard practice, the Board continuously corresponds to institutions on the minimum entry requirements for the program and advises them accordingly. As per the Board's regulations, all indexing applications must be received at the Board within 30 days of students' admission in order to ensure only qualified students pursue the course. *(See attached correspondence on indexing – Annex 4)*

## Challenges

- Some institutions have been reluctant in adhering to the set standards and have admitted and retained non – indexed students who do not meet the minimum entry requirement despite the Board's advice.
- Universities that have failed to institutionalize the minimum entry requirements include Kenyatta University, University of Nairobi, and Kenya Methodist University(*find attached copies of correspondence for retention of non qualified students - Annex 5*),
- The Commission for University Education (CUE) has been following for the amendment of its Act since 2016 where majority of professional regulatory agencies opposed them against the said amendment that seeks to undermine the authority of the regulators. This arises from Petition 37 of 2017 regarding Section 5(A) of the Universities Amendment Act which grants the CUE the sole and exclusive mandate of accrediting academic programs in Universities. The petition was ruled in favor of CUE following the High Court ruling dated 11<sup>th</sup> June, 2020, delivered by Justice J. A. Makau.

Apart from the court battle since 2017 that interfered with our mandate in ensuring compliance of the MLS programs in universities, High court ruling further weakens all the gains already made in the universities especially in the recent years where the Board



has been very proactive in ensuring universities comply with the set standards for training.

The Attorney General has now appealed against the judgment of Hon. J. A. Makau.

Without the Board enforcing its regulations to ensure these critical pillars / standards for training are adhered to, the universities on their own will fail as evident in the past. The course must be regulated since the graduates handle human samples, and anyone handling such human samples must be regulated from; entry into training, during training (curriculum implementation), during clinical attachment and finally while in practice. This will help to assure quality for service delivery and upholding the sanctity of life.

The Big Question is, how the Board shall regulate these graduates in practice while the Board does not;

- know / approve of the curriculum utilized for training
- regulate the trainers for training
- regulate the placement of students to attachment sites
- regulate curriculum implementation

The ruling poses serious challenges in terms of assuring quality of healthcare workers and in our situation, the Medical Laboratory Scientists.

3. The Registrar Kenya Medical Laboratory Technicians and Technologists Board should enforce strict adherence to admission, placement, registration and indexing procedures by institutions offering Medical Laboratory course and those found in violation and contravention of the procedures be recommended for closure of the program.

## Response

The Board in its endeavor to ensure compliance of Medical Laboratory Science training programs in the country, has recommended closure and suspension of the grossly non compliant programs. The following institutions are examples of closures and suspensions effected by the Board; Maseno University, University of Nairobi, Kenya Methodist

University (KEMU), Jomo Kenyatta University of Agriculture and Technology (JKUAT), Kisumu National Polytechnic, , Kings Medical College, Regional College (Directors charged and cases pending in court). (*See attached closure notices and charge sheets – Annex 6*).

## Challenges

The court ruling on Petition 37 of 2017 regarding Section 5(A) of the Universities Amendment Act which grants the CUE the sole and exclusive mandate of accrediting academic programs in Universities has caused grave non compliance in ensuring closure of non compliant program.

In February 2020, the Board wrote to the CUE to suspend admission of students to the above mentioned non compliant programmes with a reminder in June 2020 (*see attached copies of letters to CUE – Annex 7*). However, the CUE did not effect the Board's recommendations due to the petition. Interestingly, these non compliant MLS programs have received students placed by the Kenya Universities and Colleges Placement Services (KUCCPS) for the September 2020 admissions.

4. The Registrar Kenya Medical Laboratory Technicians and Technologists Board should conduct regular inspection of training institutions approved by the Board to ensure compliance with set standards, admission and indexing procedures, examinations regulations and other course requirements to ensure quality studies in Medical Laboratory Sciences

## Response

The Board has been undertaking regular inspections of training institutions offering Medical Laboratory Sciences program in order to ensure compliance with set standards, admission and indexing procedures, examinations regulations and other course requirements to ensure quality studies in Medical Laboratory Sciences. *See attached letters disseminating audit findings - Annex 2 and attendance lists – Annex 3*

## Challenges

- Inability of universities to recruit and retain qualified lecturers.
- Lack of goodwill by universities to invest in infrastructure for training students pursuing MLS programs.

5. The petitioner may liaise with the Board to establish the minimum requirements needed to qualify as a Medical Laboratory Technologist after which he may request to re-sit for Medical Laboratory Science exams.

## Response

The legitimate expectations of the petitioner lie with Maseno University which was aware of his inadequate qualifications for the MLS program. The university was advised to offer alternative degree befitting the petitioner's qualifications.

## Challenges

The Board is not aware whether the Maseno University Senate has offered the petitioner alternative degree to offer him opportunity to serve the nation in his capacity as a youthful Kenyan.



ABDULATIF ALI, MSc  
REGISTRAR-KMLTTB

Email: [info@kmlttb.org](mailto:info@kmlttb.org)

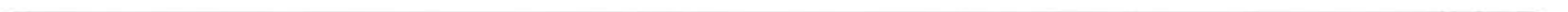
Telephone; 020 273 1391 / 0722778647

Copy to; - Dr. Joseph Kinyua, EGH  
Head of Public Service  
Harambee House  
NAIROBI

Ms. Susan N. Mochache, CBS  
Principal Secretary  
Ministry of Health  
Afya House  
NAIROBI



### **III E. Submissions from the National Land Commission**





① TRACY  
CHERET  
Please deal  
for  
29/9/20

**OFFICE OF THE CHAIRMAN**

Tel. 0208000242  
Email chair@landcommission.go.ke  
Website: www.landcommission.go.ke  
When replying please quote

ACK GARDEN ANNEX BUILDING  
1<sup>st</sup> NGONG AVENUE  
P.O BOX 44417-00100  
NAIROBI

28<sup>th</sup> September, 2020

OUR REF: **PPD/42/14/XV/(73)**

**Mr. Michael R. Sialai, CBS**  
Clerk of the National Assembly  
Parliament Buildings  
NAIROBI

①  
Dms  
28/9/20

Dear *Mr. Sialai,*

**RE: REQUEST BY THE SELECT COMMITTEE ON IMPLEMENTATION REGARDING IMPLEMENTATION STATUS OF HOUSE RESOLUTIONS**

Your letter Ref. No. NA/DCS/COI/2020/(46) dated 9<sup>th</sup> September, 2020 refers.

The said demolition was undertaken within Kenya Powerline wayleave. We wish to confirm that there exists an officially registered wayleave in the above area running from Matopeni, Mihango, Chokaa towards Ruai. The wayleave abuts large parcel of land registered as Nairobi/Block 102 owned by Buru Buru farmers. Block 102 has since been sub-divided into smaller portions. There should be no conflict at all between the farmers and KPLC since the wayleave is surveyed and properly marked on authentic Survey Plan.

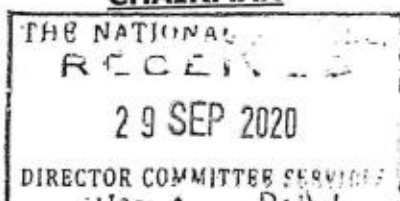
The wayleave has been in existence since 1962 though it was officially registered in 1992. However, it has been noted with concern that some squatters invaded the wayleave in the recent past, sub-divided it and settled or sold the portions to unsuspecting members of public. This is an illegality since power wayleaves are inhabitable and are never available for any human settlement. It is therefore good land management practice that the wayleaves are left free of any settlement or contrary development.

Attached please find a survey/acquisition map depicting the layout of the subject wayleave and parcels.

Yours *sincerely,*  
*Gershom Otachi Bw'Omanwa*

**Gershom Otachi Bw'Omanwa**  
**CHAIRMAN**

② Ernest  
Please note  
for  
29/9/20







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S. R. 10384

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**III F. Submissions from the Directorate of Criminal  
Investigations**



② CHERRY  
Please deal  
for 23/11/20

③ GUESS  
Please note  
for 23/11/20

Telegram: "CRIMINAL" Nairobi  
Email: director @cid.go.ke  
Tel: 020343312, 0202603724.



MAZINGIRA HOUSE  
KIAMBU ROAD  
P.O. Box 30036-00100  
**NAIROBI.**  
19<sup>th</sup> November, 2020

DCI/IB/LFIU/SEC/4/4/2/VOL.XII/67

**DIRECTOR CRIMINAL INVESTIGATIONS**

Clerk of the National Assembly  
Parliament Buildings  
P.O Box 3070 - 00100  
**NAIROBI.**

①  
D/D/Genl, M.A.S.C.  
23/11/20

NATIONAL ASSEMBLY  
MAINT. COORDINATOR  
20 NOV 2020

**SUBJECT : REQUEST BY THE SELECT COMMITTEE REGARDING IMPLEMENTATION STATUS OF HOUSE RESOLUTION**

Reference is made to the above subject matter and the queries made by the National Assembly in that respect vide your letter ref. NA/DCS/COL/2020/(46) dated 9<sup>th</sup> September 2020.

The Directorate was not involved in any investigations or inquiry on the subject matter. The operation was carried out by officers from KPLC in line with their mandate to clear illegal and unsafe houses and structures built on a power wayline.

There were previous questions by Parliament and KPLC responded and a Mr. Geoffrey K. Kigen of KPLC is in a position to provide a report that was prepared in respect of the subject.

Yours

**GEOFFREY W. KINYUA  
FOR. DIRECTOR CRIMINAL INVESTIGATIONS**

THE NATIONAL ASSEMBLY  
RECEIVED  
23 NOV 2020  
DIRECTOR  
AUDIT / APPROPRIATIONS / SELECT COMMITTEES  
Time:..... Sign:.....

NATIONAL ASSEMBLY  
RECEIVED  
20 NOV 2020  
CLERK'S OFFICE  
P. O. Box 91842, NAIROBI





**MINISTRY OF INDUSTRIALIZATION, TRADE AND ENTERPRISE DEVELOPMENT  
STATE DEPARTMENT FOR TRADE AND ENTERPRISE DEVELOPMENT  
OFFICE OF THE PRINCIPAL SECRETARY**

Telephone: +254-(0)20-3315001/2-4  
Web: [www.trade.go.ke](http://www.trade.go.ke)  
Email: [ps.trade@trade.go.ke](mailto:ps.trade@trade.go.ke)/[psfortrade@gmail.com](mailto:psfortrade@gmail.com)  
When replying please quote

TELPOSTA TOWERS  
KENYATTA AVENUE  
P.O. Box 30430 - 00100  
GPO NAIROBI - KENYA

Ref. No. **MOITED/SDT/1/95**

**THE NATIONAL ASSEMBLY  
RECEIVED**  
13 OCT 2020 Date: .....  
DIRECTOR COMMITTEE SERVICES  
Time:.....

**9th October, 2020**

**Mr. Michael R. Sialai, EBS**  
Clerk of the National Assembly  
The National Assembly  
Parliament Buildings  
**NAIROBI**

*(1) Dlamini TMA*

Dear *Mr. Sialai,*

*(2/10/20)*

**IMPLEMENTATION STATUS OF HOUSE RESOLUTION ON MEASURES  
TO REDUCE TRADE DEFICIT**

Reference is made to your letter Ref: NA/DCS/COI/2020/ (65) dated 23<sup>rd</sup> September, 2020 regarding the above subject matter.

The State Department for Trade and Enterprise Development (SDT & ED) has the pleasure to submit our considered response to the inquiries from the Parliamentary Committee on Implementation. The same is herewith attached with a request for delivery to the Committee on Implementation.

Thank you for the continued support.

Yours *Sincerely*

*(2) CHEBET  
please deal  
FBA  
13/10/20*

**Amb. Johnson Weru  
PRINCIPAL SECRETARY**

**NATIONAL ASSEMBLY  
RECEIVED**  
09 OCT 2020  
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P. O. Box 41842, NAIROBI

Copy to: **Mr. Jeremiah W. Ndombi**  
The National Assembly  
Parliament Buildings  
**NAIROBI**





**III G. Submissions from the State Department for Trade and  
Enterprise Development**





**MINISTRY OF INDUSTRIALIZATION TRADE AND ENTERPRISE  
DEVELOPMENT**

**STATE DEPARTMENT FOR TRADE AND ENTERPRISE DEVELOPMENT**

**REPORT ON STATUS OF IMPLEMENTATION OF THE HOUSE  
RESOLUTIONS**

*Prepared by:*

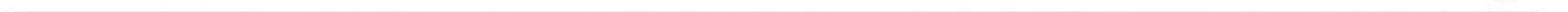
**Amb. Johnson Weru**

**Principal Secretary**

**State Department for Trade and Enterprise Development**

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## REPORT ON STATUS OF IMPLEMENTATION OF THE HOUSE RESOLUTIONS

### INTRODUCTION

This is in reference to your letter Ref: NA/DCS/COI/2020/ (65) dated 23<sup>rd</sup> September, 2020 regarding the above subject matter. The Ministry was requested to appraise the National Assembly's Committee on Implementation on the status and measures taken to bridge the trade deficit and challenges faced in the implementation of the measures. The committee was particularly interested in the incentives to potential investors and farmers, measures aimed at supporting local production and protecting local industries, as well as strategies that promote competitive exports.

This report highlights the measures the Government and the Ministry in particular, has put in place to address the huge trade deficit and the challenges being encountered in the implementation of the measures.

### BALANCE OF TRADE SITUATION

The Table below indicates Statistics from July 2019- July 2020

<b>Year</b>	<b>Month</b>	<b>Imports -Ksh</b>	<b>Exports -Ksh</b>	<b>Balance of trade</b>
2019	7	153,590.24	50,219.44	-103,370.79
	8	145,504.24	49,649.92	-95,854.32
	9	149,374.73	46,487.67	-102,887.06
	10	159,175.40	51,093.46	-108,081.95
	11	159,187.99	51,815.44	-107,372.55
	12	155,261.58	42,774.80	-112,486.79
2020	1	155,432.97	53,126.30	-102,306.67
	2	133,824.66	61,106.17	-72,718.49
	3	137,240.93	64,483.72	-72,757.21
	4	119,758.20	43,212.94	-76,545.26
	5	108,699.14	47,198.95	-61,500.19
	6	121,602.01	48,049.30	-73,552.71
	7	138,761.11	52,000.30	-86,760.81
<b>Total</b>		<b>1,837,413.20</b>	<b>661,218.41</b>	<b>-1,176,194.80</b>

Source: Central Bank of Kenya





## 2.1. Current Trade situation

As can be seen in the **Table** above, Kenya's trade deficit decreased to Kshs. 87 billion in July 2020 from Kshs. 103 billion in the same month a year ago. Imports decreased by 10.8 percent year-on-year to Kshs. 139 billion from Kshs. 154 billion. Kenya imports mostly machinery and transport equipment, petroleum products, motor vehicles, iron and steel, resins and plastics. Kenya's main import partners are India, China, UAE, South Africa, Saudi Arabia, United States and Japan.

Exports on the other hand, rose slightly by 3.8 percent to Kshs. 52 billion from Kshs.50 billion. **Kenya's main exports** are agricultural products with horticultural and tea being the most important. Other export items include textiles, coffee, tobacco, iron and steel products, petroleum products and cement. The country's **main export partners** have largely remained unchanged with the United Kingdom (UK), Netherlands, Uganda, Tanzania, United States and Pakistan forming the top six favourable export destinations.

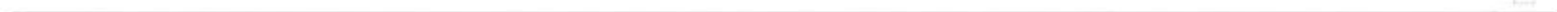
By the end of July 2020, Kenya's balance of trade stood at a deficit of close to Kshs. **1.2 billion.**

### TRADE AND MACRO ECONOMIC POLICIES

Owing to the fragile nature of the country's exports trade, policymakers are left with no option but to formulate strategic measures that will guarantee stable trade rates to stimulate improvement in the exports sector. This calls for effective macro-economic policies to guarantee improvements and stability in the structure and functioning systems of governance for economic growth and job creation.

The following are some of the trade and macro-economic policies which affect export trade in the country: -

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1. **Instability of oil prices in the international market** - Kenya being an oil importing country, is susceptible to price fluctuations of oil in the global market.
2. **Exposure to unfair business practices** - Kenya is a signatory to several International and Regional Trade agreements whose implementation has required progressive opening up of the domestic market. Relaxation of tariff barriers has greatly improved the country's performance in the export markets but has also exposed the country to the vagaries of illicit trade and sub-standard imports leading to great health and environmental risks.
3. **Volatility of the exchange rate** - fluctuations of the shilling against major international currencies affects Kenya's export performance as it affects cost-competitiveness of exporters hence contributing to the huge trade balance.
4. **Emergence of Non-Tariff barriers in the region** - There still exists non-tariff measures to trade along our common borders which relatively increase the cost of getting goods to foreign market. The increased costs reduce the country competitiveness in the foreign market, which in turn reduces exports.

#### GOVERNMENT INTERVENTIONS TO BRIDGE THE HUGE TRADE DEFICIT

##### **2.2. General Incentives to Potential Investors**

The government has an incentive regime cutting across all sectors of the economy. The incentive regime is usually subjected to review from time to time in order to examine its effectiveness and relevance. This is a brief focus on incentives aimed at stimulating performance of the trade and commercial sector of the economy:

---

- i. Fiscal and non-fiscal incentives** – these are available to potential investors. They include; Capital Deductions, Industrial Building Deductions, Formworks Deductions, Wear and tear Deductions and Investment Deductions, among others.

In the recent past, the National Treasury working closely with the Ministry used the following tax incentives to promote Kenyan exports in EPZs include: -

- ✓ 10-year Corporate Tax Holiday
- ✓ 10-year Withholding Tax Holiday
- ✓ 100% investment deduction on new investment
- ✓ Perpetual exemption from payment of stamp duty on legal instruments
- ✓ Perpetual exemption from VAT and customs import duty on inputs
- ✓ Operation under essentially one license issued by EPZA
- ✓ Rapid Project approval and licensing

Other incentives that have been availed in the recent past include removal of Exchange Controls (i.e. liberalization of foreign exchange regime, Onsite customs documentation and inspection by Customs Staff; Unrestricted investment by foreigners; One-Stop-Shop service for facilitation and aftercare; development of quality infrastructure for lease among other measures.

#### TRADE FACILITATION MEASURES

Since 2014, the government has adopted an aggressive and well targeted reform business agenda aimed at improving the trade environment and attracting the much-needed Foreign Direct Investment (FDI). To this effect the government working closely with World Bank and other partners put in place an elaborate



reform agenda to facilitate and monitor the ease of doing business trajectory in country. At the time Kenya was ranked position 136 out of 189. The reforms have since seen the country's ranking on Ease of Doing Business rise from position 136 in 2014 to 61 in 2018. It is now the plan of the Government to improve Kenya's position to below 50 by 2020.

Other trade facilitation measures undertaken or being undertaken by the government to improve business environment and to improve on trade deficit include the following:

- i) Development of LAPSET Corridor;
- ii) Commissioning of the Mombasa Port Community Charter intended to ensure the realization of the full trade potential of the Mombasa Port Corridor. The charter seeks to commit the parties towards significantly improved efficiency and competitiveness of the Northern Corridor.
- iii) Opening up of special economic zones at Dongo Kundu, Kisumu, Marsabit and Isiolo;
- iv) Commissioning of internal container depots at Voi, Embakasi and Naivasha;
- v) Construction of new pipelines (Line 3- Mombasa- Nairobi, and Line 4 - Nairobi Eldoret pipeline);
- vi) Development of bus rapid transport system; and
- vii) Fast tracking of blue economy.

#### MEASURES TO SUPPORT LOCAL PRODUCTION

An effective and profitable export trade is dependent on an equally efficient, well managed local production system. The government in promoting Vision 2030 and the Big 4 Agenda has undertaken the following measures aimed at stimulating local production:





- i) Promotion of Buy Kenya Build Kenya Strategy through the implementation of the BKBK Strategy. Several initiatives have been undertaken including:
  - Encouraging acquisition of military uniforms from local textile dealers;
  - Encourage the wear of attire made from locally sourced fabrics in the public service on Fridays;
  - Devoted utilization of 40% Procurement budgets by public entities exclusively to locally goods and services. The Ministry is mandated to monitor and report compliance to this directive;
  - Encourage MDAs to give preference in the purchase of motor vehicles to locally assembled vehicles;
  - Gazetted a list of 195 locally manufactured goods for GOK purchase; and
  - In collaboration with industry players, developed a prequalification check-list for local manufacturers for use in public procurement.
- ii) Development of Local Content Policy and draft bill.
- iii) Development and implementation of the Kenya National Trade Policy.
- iv) Development of the Trade Remedies Act and the Agency (KETRA).
- v) Establishment of the National Trade Facilitation Committee whose paperless process done through the single window system has fast-tracked the export process and reduced points of rent seeking.

#### COMPETITIVE EXPORT PROMOTION STRATEGIES TO ENHANCE MARKET ACCESS

Trade is a major catalyst to economic growth and development. Vision 2030 identified the sector as an enabler to the attainment of a 10% per annum Gross Domestic Product (GDP) growth. To realize this, the country has pursued an aggressive market access policy. The market penetration strategy has seen the country pursue several regional and global integration initiatives. These include

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national trade commitments at the World Trade Organization (WTO), East African Community (EAC), Common Market for East and Southern Africa (COMESA), Tripartite Free Trade Area between EAC, COMESA and SADC, African Continental Free Trade Area (AfCFTA), EAC-EU EPA arrangement, USA AGOA Preferential Market Access Initiative and numerous other Bilateral Trade Agreements with Kenya's trade partners. With an expanded regional and global market opportunities, the country has to develop a long-term strategy capable of increasing global presence and safeguarding and expanding her market share.

The Integrated National Export Development and Promotion Strategy (INEDPS) therefore provides a stronger link that the country needs to efficiently exploit its trade opportunities at the regional and global trade levels. Through its value chain approach, the strategy links all target export products and services from their productive stage to their identified markets. It also assigns export objectives and targets to relevant National and County government ministries, departments and agencies.

The strategy thus provides a blueprint for planning and budgeting for export development and promotion and promises to reduce Balance of Trade Deficits and economic dependence within its sectors.

Other measures that the Government has put in place to promote exports include the following:

- Implementation of the National AGOA strategy to promote exports to the US Market
- Training of negotiators
- Conducting Bilateral agreements with several countries

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- Reactivating our foreign commercial offices by posting officers. Plans are underway to open more stations abroad for purposes of giving visibility to our products.
- Promoting regional integration initiatives – EAC, COMESA, AfCTA, now conducting a Kenya-UK post Brexit trade negotiation and Kenya-US trade dispensation. These are meant to secure our traditional export markets and guarantee minimum disruptions after the expiry of AGOA
- Increased commercial representations in the diplomatic missions abroad by posting commercial attaches through informed strategic Economic Diplomacy with a target to increase market access to Kenyan goods and services in those countries. The Commercial Attaches' are expected to establish showrooms to display Kenyan products in the missions; facilitate trade promotion activities through trade fairs and exhibitions; undertake market profiling and market intelligence surveys with a view to exploiting and taking advantage of the available extra consumer demand capacity of these markets.
- Encouraging producers to do value addition, improve product quality and factors of production, and reduce overall cost of production. They have also been encouraged to diversify exportable products range and broaden the market destination base.
- Strengthening export value chains for Kenyan products and services by negotiating a number of Regional Economic Cooperations (EAC, COMESA, FTA, CFTA, EU and the USA AGOA) to allow Kenyan goods and services to access these markets on duty free, quota free basis to bridge trade deficits.
- Strengthening the institutional capacity of export support networks agencies responsible for trade facilitation to acquire required equipment for testing Kenya produce to meet international standards



## EMERGING ISSUES AND CHALLENGES IN DEALING WITH TRADE DEFICIT

Despite the continued contribution to the growth of GDP and national economy, the Ministry is faced with challenges and emerging issues which need to be addressed for it to attain its full potential and improve on exports. These impede the implementation of various export promotion projects and programmes and include:

Internal challenges

### **i) Inadequate budgetary allocations**

The State Department responsible for export promotion is faced with challenge of inadequate funds to carry out marketing activities. Going by international best practices; countries requires dedicated funds to run export promotion programs to drive export growth. The Department budget should be reviewed, taking into account that without funds for export programs, nothing much can be expected.

### **ii) Influx of sub-standard, counterfeits and contra-band goods**

The influx of sub-standard, counterfeit and contra-band products into the local market through border points like Malaba, Isebania, Namanga, Busia, Lunga Lunga, Moyale and porous borders has reduced the market share to 15.6% (Survey on level of Counterfeiting in Kenya in 2017 by ACA) for locally manufactured goods. This has discouraged Kenyan Enterprises from innovation, thereby negatively impacting local industrial growth and government revenue. This has an impact on the value of Kenyan exports hence increase trade deficit.



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### **iii) Access to Credit Facilities**

The Micro Small and Medium Enterprises (MSMEs) experiences limited access to credit facilities, which inhibits competitiveness and growth of businesses. This is due to lack of information on procedures of accessing credit, strict requirements by lenders, informality of MSMEs and high cost of borrowing. This has led to stagnation of MSMEs, which are supposed to graduate key exporters. This has impeded Kenyan exports hence trade deficit.

### **iv) Unfavourable Business Environment**

In the attempts to raise revenues most counties have introduced uncondusive licenses, levies and regulations. This has led to high cost of doing business and un-competiveness. The inter-county trade fees and business permits have resulted to increased cost of doing business leading to reduced gains.

### **v) High cost of energy**

In spite of the increased production of energy, businesses are still faced with high energy cost hence contributing to high cost of production thus discouraging entrepreneurial development. It also leads to unpredictability in forecasting the levels of production.

### **vi) Low level of awareness on Regional Integration Opportunities/Benefits**

There is generally low level of awareness by the business community on the socio-economic benefits and provisions of the EAC, AfCFTA, TFTA and COMESA integration processes. Without information on the business opportunities and markets available, most of the producers are not able to exploit their potential. This is due to lack of funds to do aggressive sensitization in all the counties

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### **vii) Difficulties in regulating e-Commerce and e-Business**

The emergence of e-Commerce and e-Business has attracted fraudulent practices including online counterfeiting and cyber-crimes in the sector resulting to consumers and businesses losing money to fraudsters.

### **viii) Weak Business membership Organizations (BMO's)**

State Department for Trade (SDT) being dynamic, the BMO's have to constantly advocate and lobby government to have their interests considered in government's policies and decisions. However, this has not been the case due to BMO's inability to effectively represent business interests of the country.

### **ix) Weak Compliance with International Regulations**

Kenyan exports are increasingly being subjected to increased surveillance in major markets like Europe due to non-compliance to sanitary and phytosanitary regulations as well as technical regulations in the region. This calls for investment in the institutions supporting plant and animal health and technical regulations to ensure our exports meet the stringent standards.

## **External Challenges**

### **i. Multiple Trade Regulations and Non-Tariff Barriers in foreign markets**

Kenya is a member of various trading blocs, however, the Common External Tariff (CET), Rules of Origin (RoO) and trade facilitation measures, axle-load limits and transport insurance requirements are not implemented uniformly resulting into un-harmonized regulations. In addition, the Ministry is faced with the challenge of dealing with unfair competition that is posed by inflow of imports from other Partner States, which belong to other trading blocs where the RoO are not strictly enforced.



## **ii. Rising wave of protectionism in Europe, USA and Asia**

There has been an increase in protectionism in the global market through setting high standards and requirements thus making it difficult for Kenya's products to penetrate the foreign market. The protectionism is slowly creeping in from EAC Partner States, which is affecting Kenyan export to those markets.

## **iii. Volatility in the international market**

The changing tastes and preferences of buyers in the international market affects the supply from Kenya hence trade deficit. It also take too long to complete payment process of goods and service exported

## **CONCLUSIONS**

The country's economy has continued to experience weak exports trade dominated by a narrow export base. On the consumption front, Kenya's economy has continued to witness great resilience supported by strong domestic consumption. Though the consumption has been characterized by high propensity to consume imported products, efforts are being undertaken to change this inclination to consume more local products. Kenya's main exports do not earn enough to compensate for imports hence trade deficit. Though Kenya's trade performance is below its potential leading to ballooning trade deficit, the Government has put in place various measures to increase its export competitiveness to bridge the trade gap. These strategies are beginning to yield fruits which can be noted by decrease in trade deficit of 16 billion in the period from July, 2019 to July 2020.



### **III H. Submissions from the Registrar of Political Parties**





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Time:.....

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Lion Place, 1<sup>st</sup> Floor  
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P.O Box 1131-00606  
Sarit Centre, Nairobi.

Ref: RPP/ADM/8/9(14)

Date: 9<sup>th</sup> October, 2020

The Clerk of National Assembly,  
National Assembly, Clerk's Chambers,  
Parliament Buildings,  
P.O. Box 41842-00100,  
NAIROBI.

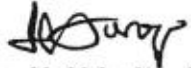
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Attn: Jeremiah W. Ndombi

**RE: IMPLEMENTATION STATUS OF HOUSE RESOLUTIONS**

Reference is made to letter Ref. No. NA/DCS/COI/2020/ (64) dated 23<sup>rd</sup> September 2020 by the Clerk to the National Assembly requesting for the Committee on Implementation to be apprised on the implementation status and challenges, if any, in the implementation of the **Report of the Special Funds Accounts Committee on the examination of the Report of the Auditor General on the Financial Statements for the Political parties for the Year ended 2017.**

Please find herewith Twenty four (24) copies of our submission on the implementation status.

  
**Ann N. Nderitu, MBS**  
Registrar of Political Parties

C.C: The Principal Secretary,  
The National Treasury,  
Treasury Building,  
Nairobi.

NATIONAL ASSEMBLY  
RECEIVED  
12 OCT 2020  
CLERK'S OFFICE  
P. O. Box 41842, NAIROBI

Encl.





Republic of Kenya

Telephone: +254(0)204022000  
Email: [registrar@orpp.or.ke](mailto:registrar@orpp.or.ke)  
Website: [www.orpp.or.ke](http://www.orpp.or.ke)  
When replying please quote

Lion Place, 1<sup>st</sup> Floor  
Off Waiyaki Way  
P.O Box 1131-00606  
Sarit Centre, Nairobi.

REF: RPP/ADM/7/4 VOL. II(39)

Date: 27<sup>th</sup> June, 2018

The Principal Secretary,  
Ministry of Information, Communication and Technology,  
P. O. Box 30025 – 00100,  
NAIROBI.

Dear Sir,

**RE: GUIDELINES FOR THE PROCUREMENT OF ICT EQUIPMENT AND SERVICES**

Reference is made to your letter Ref. No. MICT/CONF/18/30/(A)/(23) dated 13th June 2018 on the guidelines for the procurement of Information Communication Technology (ICT) equipment and services (copy herein attached).

The Office of the Registrar of Political Parties is mandated to register, regulate, supervise and administer the Political Parties Fund (PPF). In fulfilling this mandate, the Office maintains and has accumulated voluminous records in the political parties' database and information generated from day-to-day operations. In view of this, the Office is obliged to implement an effective and sustainable off-site (cloud) backup solution using a reputable application including the provision of the cloud service environment, supported by comprehensive migration transition and support services.

The log in credentials to facilitate access to the newly introduced system has been provided. However, the aforementioned service is not available under the listed categories making it impossible to submit the terms of reference.

Attached please find a copy of our terms of reference for assistance to implement a secure cloud solution to backup and protect data and records.

Yours faithfully,

  
Lucy K. Naungu, EBS  
Registrar of Political Parties





Republic of Kenya

**PROVIDE AND IMPLEMENT AN OFF-SITE (CLOUD) BACKUP  
AND  
RECOVERY SOLUTION**

**PREPARED BY: ICT UNIT**

**26<sup>TH</sup> JUNE 2018**



Each component within the Evaluation Criteria is weighted as follows:

CRITERIA	WEIGHTING
<b>TECHNICAL</b>	
<b>Qualifications of Contractor:</b> <ul style="list-style-type: none"> <li>▪ General Education\training\qualification and experience - 10</li> <li>▪ Company has the Human Resource capacity to complete project within the specified time-frame - 10</li> <li>▪ Personnel has the necessary programming skill set required - 10</li> <li>▪ Ability to provide additional support services if necessary - 10</li> </ul>	40
<b>Professional Experience:</b> <ul style="list-style-type: none"> <li>▪ Satisfactory reference checks - 10</li> <li>▪ General/ Specific Experience in the development of Disaster Recovery and Business Continuity Plans-10</li> <li>▪ Experience in building successful Disaster Recovery and Business Continuity Plans- 10</li> </ul>	30
<b>Methodology:</b> <ul style="list-style-type: none"> <li>▪ Adequacy of the proposed methodology, including quality management, responsiveness and work plan for executing requirements of the Service - 10</li> <li>▪ Solution make sense and address needs of the Office - 10</li> </ul>	20
<b>Technical Evaluation Total</b>	90
<b>FINANCIAL</b>	
Evaluation of Financial Performance based on ration analysis	10
<b>EVALUATION TOTAL</b>	100



The Contractor shall commence work as soon as practicable after the effective date of the Agreement with ORPP. The Contractor will undertake the assigned tasks and responsibilities under the direct supervision of the Head of the IT Unit of ORPP.

Within five (10) calendar days of the effective date of the Agreement, the Contractor shall present to ORPP a detailed work-plan prescribing a clear strategy and time-lines for execution of the services.

The project shall not exceed Sixty (60) days.

#### V. INTELLECTUAL PROPERTY, INFORMATION AND ASSISTANCE TO THE CONTRACTOR

The Office of the Registrar of Political Parties shall provide to the Contractor relevant support documents, and all information required to execute this project. In all cases, documents and information obtained by the Contractor must be handled in a **confidential** manner. The Contractor shall not either during the term of the project or after termination or completion of the project, disclose any proprietary or confidential information related to this Office or project.

#### VI. PRICE PROPOSAL AND PAYMENT SCHEDULE

The Contractor is required to offer its services in accordance with the Terms of Reference through a Technical Proposal. The Proposals shall be valid for a period of ninety (90) days and shall remain binding before the expiration of that period. The Office is not bound to accept any proposal received or the lowest proposal received.

#### VII. EVALUATION CRITERIA

The Evaluation Criteria illustrate the standards that will be employed by the Office of the Registrar of Political Parties to evaluate all submissions. Bidders that do not meet the minimum requirements will not be considered.



### III. SCOPE OF SERVICES

The Contractor will be required to consult with the IT Unit to design and implement this solution. In addition to the execution of the required consultation with the IT Unit, the Contractor shall also undertake the following activities towards executing the Objectives identified above:

1. Provide and implement a cloud backup and recovery Infrastructure as a service (IAAS) solution that provides recovery and business continuance in the event of a serious disruption in the day-to-day activities due to non-availability of the Office facilities.
2. Such solution should include procedures for incremental cloud backup of data during uptime, recovery of technology facilities and platforms such as critical applications and databases required for the continuance of the Office functions, with security as an integral aspect of said solution.
3. This solution must provide meaningful reporting and analytics that provide the Office with up-to-date and comprehensive information regarding technical and management performance. This solution should have a Recovery Point Objective (RPO) of no more than 1 hour and a Recovery Time Objective (RTO) of maximum forty-eight (48) hours.
4. Provide all support operations including software necessary to implement this solution.
5. Provide all software licenses necessary for deployment. (Licenses should be valid for a minimum of one (1) year.)
6. Train IT Staff to ensure knowledge transfer of all procedures ranging from backing up of the data to the cloud platform and restoring the Office's data and IT process for business continuance.
7. Provide a one (1) year Service Level Agreement (SLA) between this Office and Contractor. (Key elements covered in the SLA are to include Metric Time Objectives for tasks and Methodology for ensuring that the Service Level Agreement is met.)

## BACKGROUND

The Political Parties Act, 2011 establishes the Office of the Registrar of Political Parties (ORPP) as a State office within the meaning of Article 260 of the Constitution of Kenya. The Office of the Registrar of Political Parties is mandated to register, regulate, supervise and administer the Political Parties Fund. Through fulfilling this mandate the office has accumulated and maintains voluminous records in the areas of political parties' database besides other operational records.

Because of the vast volumes of information that the Office processes during its day-to-day operations, it is imperative that the Office implements a step-by-step plan to minimize the effects of a disaster so the organization can continue to operate or quickly resume mission-critical functions. The Office is therefore seeking assistance in implementing a secure cloud solution to backup and protect the data and records.

Currently, the backup solution in use is automated backups on removable disks. This form of backup is time-consuming and tedious. With a limited Information Technology (IT) staff at the disposal, the Office wished to focus its IT staff on activities more central to the business of the Office, rather than monitoring the progress of semi-manual backups, reviewing logs, and troubleshooting backup failures.

The Office recognizes that cloud data protection solutions that combine the latest advancements in disk-based backup with secured, integrated, cloud technologies will offer fast and assured recovery of critical data, while reducing costs. Also, it is known that cloud server backup solutions will reduce the burden of removable disks management and backup operations hassle by automatically storing the data safely offsite to protect for disaster recovery purposes.

## III. OBJECTIVE AND SERVICES REQUIRED

The overall objective is to implement an effective and sustainable cloud backup solution using a reputable application to the cloud, including the provision of the cloud service environment necessary, supported by comprehensive cloud migration transition and support services.





REPUBLIC OF KENYA

MINISTRY OF INFORMATION, COMMUNICATIONS AND TECHNOLOGY

Office of the Principal Secretary

Telephone 020-4920000  
FAX:315147  
When replying please quote

Teleposta Towers  
P.O. Box 30025-00100  
NAIROBI  
KENYA

Ref: MICT/CONF/18/30/(A)/(23)

13<sup>th</sup> June, 2018

All Principal Secretaries/ Accounting Officers

Dear Colleagues,

GUIDELINES FOR THE PROCUREMENT OF ICT EQUIPMENT AND SERVICES

Refer to our letter reference MICT/G/2/1/(6) dated 9<sup>th</sup> May, 2018 on the workshop on Guidelines for the Procurement of ICT Equipment and Services.

Following the consolidation of the ICT budgets under the Ministry of ICT and pursuant to section 53 (5) of the Public Procurement and Asset Disposal Act, 2015, MDA's are expected to provide their annual ICT requirements that will lead up to a consolidated procurement plan. It is on the basis of the MDA's requirements based on Individual budget ceilings as allocated by the National Treasury that that MOICT will service MDA's ICT requirements during the financial year.

As mentioned in our earlier communication and the formats that were discussed in our workshop held on 17<sup>th</sup> May, 2018, the ICT and Supply Chain officers are expected to provide MDA's ICT requirements in the online portal [ssp.ict.go.ke](http://ssp.ict.go.ke) by 20<sup>th</sup> June, 2018. They are also expected to provide ICT Inventory data by 29<sup>th</sup> June, 2018 via the same portal. To assist on this process, our helpdesk can be reached on [ictdirectorale@information.go.ke](mailto:ictdirectorale@information.go.ke) or 020-4920000 Ext.1115143.

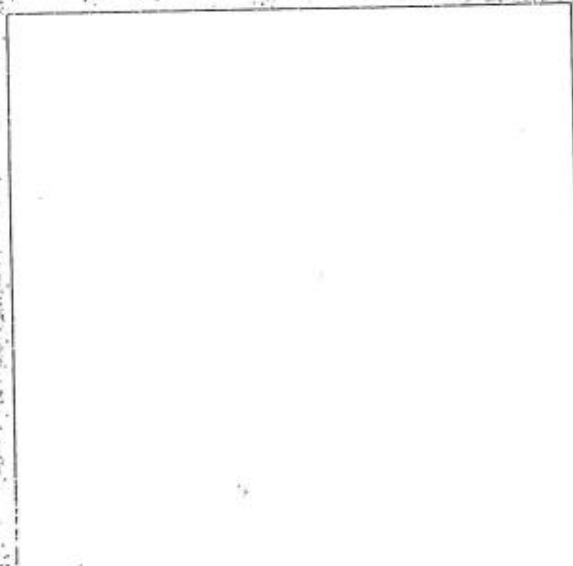
Log in credentials for the Systems Administrators have been sent to Mobile phone numbers of the Heads of ICT Units in your Ministries/Departments/Agencies.

Attached please find the Guidelines for the Procurement of ICT Equipment and Services.

Yours Sincerely,

Jérôme Ochieng  
PRINCIPAL SECRETARY

End.







Telephone: +254(0)204022000  
Email: [registrar@orpp.or.ke](mailto:registrar@orpp.or.ke)  
Website: [www.orpp.or.ke](http://www.orpp.or.ke)  
When replying please quote

REF: RPP/ADM/7/4 VOL. II(102)

The Chief Executive Officer,  
ICT Authority,  
P. O. Box 27150 – 00100,  
**NAIROBI.**

Dear Madam,

**RE: IMPLEMENTATION OF AN OFF-SITE BACKUP SOLUTION FOR THE OFFICE OF THE REGISTRAR OF POLITICAL PARTIES**

The above subject matter refers.

The Office of the Registrar of Political Parties is mandated to register, regulate, supervise and administer the Political Parties Fund (PPF). In fulfilling this mandate, the Office maintains political parties' database as provided in the Political Parties Act, 2011, and also information generated from office operations.

In view of above, it is of a paramount importance that an offsite backup and a recovery Infrastructure that provides recovery and business continuity in the event of a disruption of operations is implement to mitigate the risk of a data loss.

The purpose of this letter therefore is to seek for your approval to utilize the backup infrastructure that the Government has already put in place to ensure that our data is safely stored and supported by migration transition and support services.

Yours faithfully,

**Ann N. Nderitu, MBS**  
Registrar of Political Parties



Republic of Kenya

Lion Place, 1<sup>st</sup> Floor  
Off Waiyaki Way  
P.O Box 1131-00606  
Sarit Centre, Nairobi.

Date: 16<sup>th</sup> October, 2019







ICT Authority  
Telposta Towers 12<sup>th</sup> Floor, Kenyatta Ave  
PO Box 27150 - 00100 Nairobi Kenya  
Tel: +254 20 2089061/ 2211960 Fax: +254 20 2211960  
[www.icta.go.ke](http://www.icta.go.ke)  
[info@ict.go.ke](mailto:info@ict.go.ke)



Ref. ICTA/SS/9



24th October, 2019

Ann N. Nderitu, MBS  
Registrar of Political Parties  
Lion Place, 1<sup>st</sup> Floor  
Off Waiyaki Way  
P. O. Box 1131 - 00606  
**NAIROBI.**

Dear

**IMPLEMENTATION OF AN OFF-SITE BACKUP SOLUTION FOR THE OFFICE OF THE REGISTRAR OF POLITICAL PARTIES**

Refer to your letter ref. no. RPP/ADM/7/4 VOL.II(102) dated 16<sup>th</sup> October 2019 regarding the above.

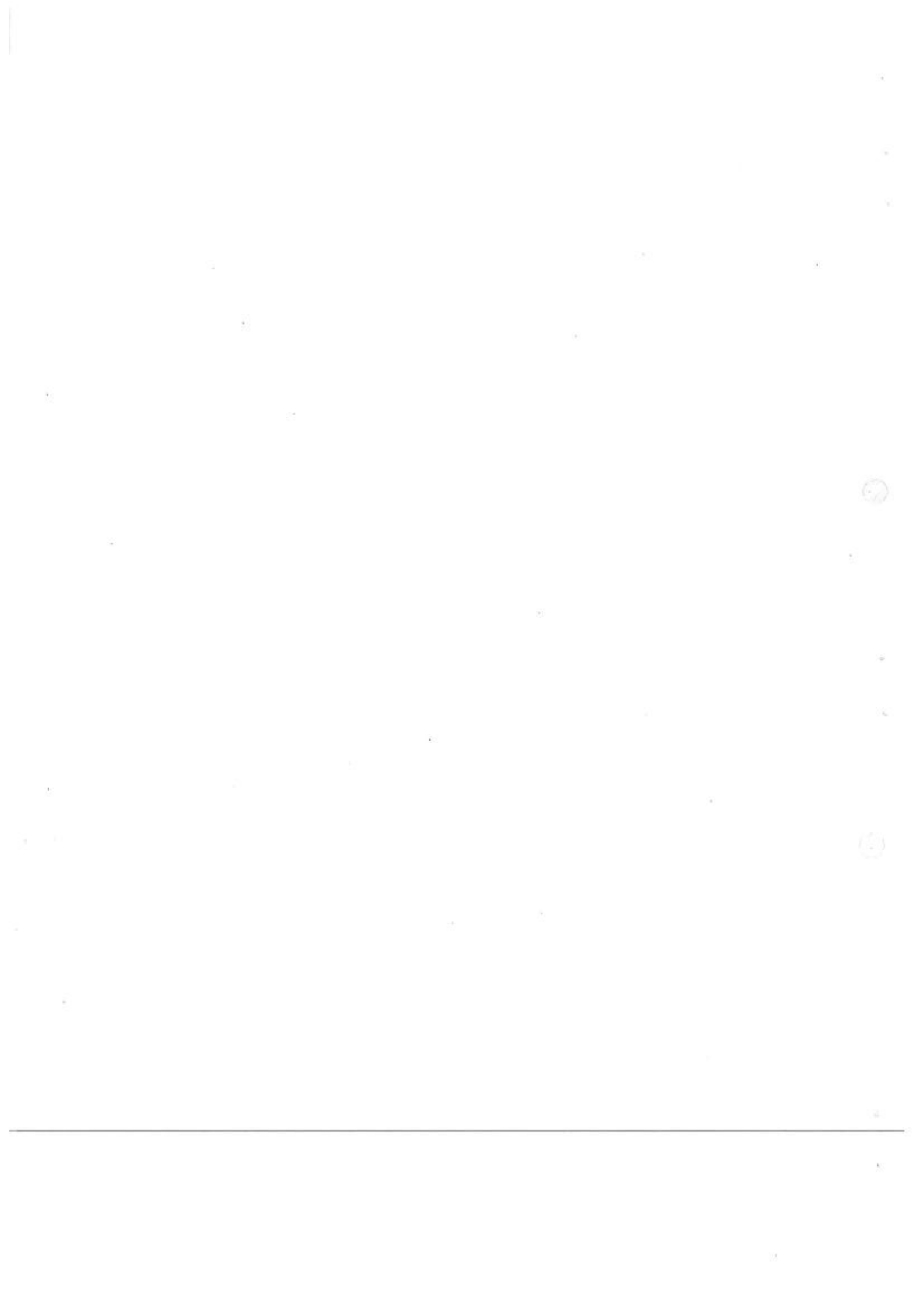
This is to inform you that we have received and considered your request for backup services for your organization's data at the Government Data Center (GDC). In order to determine the availability of resources at this facility, we require the requirements from your technical officer.

This is therefore to kindly request your technical officer to liaise with our officer in charge of the GDC *Mr. Antony Muraguri* and provide the requirements for further necessary action. Mr. Muraguri can be reached through the mobile number 0722758244 or through email address [amuraguri@ict.go.ke](mailto:amuraguri@ict.go.ke).

Yours faithfully,

Dr. Katherine W. Getao, EBS  
**CHIEF EXECUTIVE OFFICER.**





## Bob Waithaka

---

**From:** Anthony Mwangi Muraguri <amuraguri@ict.go.ke>  
**Sent:** Friday, 2 October 2020 11:48  
**To:** Bob Waithaka  
**Cc:** nyongesaj02@gmail.com  
**Subject:** Re: Office of the Political Parties Registrar BackUp Solution Meeting

Your request for backup services at the Government Data Center (GDC) was received and considered as per the requirements discussed at the meeting held on 21st January 2020.

Below are the details:

VM Name: OPPR

-----  
Datastore Name: lun\_Blade3\_OPPR

Hard Drive: 40GB Internal

Hard Drive: 960GB External

OS: Install on Drive C

RAM: 8GB

IP Address: XX.xx.xx.xx (Assign this IP address to the VM . NB: For security reasons we cannot send IP's on mail)

For further clarification and support, kindly contact us.

On Thu, Jan 23, 2020 at 11:25 AM Bob Waithaka <[robert.waithaka@orpp.or.ke](mailto:robert.waithaka@orpp.or.ke)> wrote:

Good morning Anthony,

As agreed during our meeting on the implementation of an off-site backup for ORPP held on 21st January, 2020, please find our requirements listed below:

1. Operating System: Windows Server 2016 or Linux (for a start)
2. Applications: Visual Studio (Not mandatory for a start)
3. Memory: At least 8GB
4. Processor: At least 1.4 GHz 64-bit EMT64 or AMD64
5. Database: SQL Server 2012 (Not mandatory for a start)
6. Connectivity: GCCN

For any clarification, please feel free to contact us.

Warm Regards,

R. Waithaka

Office of the Registrar of Political Parties (ORPP)

Lions Place, 1st Floor

Karuna Close, Waiyaki Way, Westlands

P.O. Box 1131-00606

Sarit Center, Nairobi Kenya

[www.orpp.or.ke](http://www.orpp.or.ke)

[info@orpp.or.ke](mailto:info@orpp.or.ke)

**From:** Anthony Mwangi Muraguri <[amuraguri@ict.go.ke](mailto:amuraguri@ict.go.ke)>

**Sent:** Tuesday, 21 January 2020 12:42

**To:** [robert.waithaka@orpp.or.ke](mailto:robert.waithaka@orpp.or.ke); [nyongesaj02@gmail.com](mailto:nyongesaj02@gmail.com)

**Subject:** Office of the Political Parties Registrar BackUp Solution Meeting

Please find attached the minutes for the brief meeting. Kindly let me know if they are ok before send the final copy.

Anthony M. Mwangi

ICT Authority

Teleposta Towers 12th Floor, Kenyatta Avenue

Po Box 27150-00100 Nairobi, Kenya

Tel + 254 20 2089061

[www.icta.go.ke](http://www.icta.go.ke)

[communications@ict.go.ke](mailto:communications@ict.go.ke)

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t: [ICTAuthorityKE](https://www.facebook.com/ICTAuthorityKE)

---

f: ICT Authority

### **III I. Submissions by Uwezo Fund**





# **UWEZO FUND OVERSIGHT BOARD**

## **SECRETARIAT**

Lonrho House,  
16<sup>th</sup> Floor,  
Standard Street,  
Nairobi

visit our website:  
<http://www.uwezo.go.ke>

P O Box 42009-00100,  
NAIROBI.  
E-MAIL:[info@uwezo.go.ke](mailto:info@uwezo.go.ke)

---

**Ref: UWZ/ADM/3/20 (13)**

**23<sup>rd</sup> July, 2020**

**The Clerk to the National Assembly**

Parliament Buildings  
P.O Box 41842-00100  
**NAIROBI**

**Attn: Serah M. Kioko**

**RE: RESPONSES TO THE REPORT OF THE COMMITTEE ON IMPLEMENTATION STATUS OF HOUSE RESOLUTION ON FINANCIAL STATEMENTS OF UWEZO FUND FOR THE YEAR ENDED 30<sup>TH</sup> JUNE, 2017**

---

Uwezo Fund acknowledge receipt of your letter Ref NA/DCS/COI/2020/(36) dated 9<sup>th</sup> July, 2019 (copy attached).

Enclosed herewith, please find the report on implementation status of house resolution regarding the Financial Statements of the Fund for Financial Year 2016/2017, challenges faced and supporting evidences as per the attached appendices. A soft copy of the report has been emailed to [clerk@parliament.go.ke](mailto:clerk@parliament.go.ke).

**Peter Lengapiani**  
**Head of Secretariat**

**Copied to: Dr Joseph Kinyua, EGH**  
**Head of Public Service**

**Prof. Margaret Kobia, CBS**  
**Cabinet Secretary**  
**Ministry of Public Service and Gender**

**CPA D.O Gichana**  
**Deputy Director**  
**Office of the Auditor General**

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REPUBLIC OF KENYA



NATIONAL ASSEMBLY

CLERK'S CHAMBERS  
National Assembly  
Parliament Buildings  
P. O. Box 41842-00100  
NAIROBI, KENYA

Telegraphic Address  
"Bunge", Nairobi  
Telephone: (254) 2221291/2848000  
Fax: 2243694  
E-mail: [clerk@parliament.com](mailto:clerk@parliament.com)  
When replying please quote:

Ref: NA/DCS/COI/2020/(36)

9th July, 2019

Prof. Colletter A. Suda, CBS  
Principal Secretary  
State Department for Gender  
Ministry of Public Service and Gender  
Telposta Towers, 4th Floor  
NAIROBI

Mr. George Maingi Kinoti, CBS  
Director General  
Directorate of Criminal Investigations  
CID Headquarters, Off Kiambu Road  
NAIROBI

Eng. Charles Mwirigi  
Chief Executive Officer  
Women Enterprise Fund  
NSSF Building  
NAIROBI

Mr. Peter Lengapiani  
Head of Secretariat  
Uwezo Fund  
Lonrho House, 16th Floor, Standard Street  
P.O. Box 42009, 00100  
NAIROBI

*Handwritten note:*  
Head Accounts  
Urgently convene a meeting  
to compile and the report  
for submission  
14/7/2020

Dear Sir,

**RE: REQUEST BY THE SELECT COMMITTEE ON IMPLEMENTATION REGARDING IMPLEMENTATION STATUS OF HOUSE RESOLUTIONS**

The Committee on Implementation is a select Committee of the House established pursuant to Standing Order 209 of the National Assembly Standing Orders. It is mandated to scrutinize resolutions of the House (including adopted committee reports), petitions and the undertakings given by the executive and to examine whether such decisions and

*Handwritten note:*  
Potline (IAC)  
Please organize for  
the meeting for report  
prep.  
12/02/2020



undertakings have been implemented and whether such implementation has taken place within the minimum time necessary.

This mandate is further enhanced by the provisions of Article 153(4) (b) of the Constitution which requires Cabinet Secretaries to provide to Parliament full and regular reports concerning matters under their control.

The operations of the Committee are further guided by the provisions of Standing Order 201 of the National Assembly Standing Orders which, sets the timeframe within which the relevant Cabinet Secretaries must provide reports to the relevant committee of the House upon a resolution of the House or adoption of a report of a select committee.

In this regard, the Committee would like to be apprised on the implementation status and challenges faced, if any, in the implementation of the Report of the Special Funds Accounts Committee on the examination of the Report of the Auditor General on the Financial Statements of the Uwezo Fund for the Financial Year 2016/17; and, the Women Enterprise Fund for the Financial Year 2017/18 as communicated vide a letter Ref: NA/DLP/TBO/RES.04/2020 dated 5<sup>th</sup> March, 2020.

Kindly provide twenty-four (24) copies of your submissions to the Office of the Clerk and email a soft copy to [clerk@parliament.go.ke](mailto:clerk@parliament.go.ke) on or before Thursday, 23<sup>rd</sup> July, 2020.

The liaison officers facilitating the matter are Ms. Tracy Chebet Koskei and Mr. Abdirahman Hassan who may be contacted on Tel. No. 0726416794 and Tel. No. 0722288756 or email addresses [ckoskei20@gmail.com](mailto:ckoskei20@gmail.com) or [sirjelle03@yahoo.com](mailto:sirjelle03@yahoo.com).

Yours *Sincerely,*



SERAH M. KIOKO  
For: CLERK OF THE NATIONAL ASSEMBLY

Copy to: - Dr. Joseph Kinyua, EGH  
Head of Public Service  
Harambee House  
NAIROBI

Dr. Margaret Kobia, CBS  
Cabinet Secretary  
Ministry of Public Service and Gender  
Commission House  
NAIROBI

CPA D.O. Gichana  
Deputy Director  
Office of the Auditor General  
P.O. Box 30084, 00100





# **UWEZO FUND OVERSIGHT BOARD**

**REPORT ON THE RESPONSES TO THE RECOMENDATIONS OF THE SPECIAL FUNDS  
ACCOUNTS COMMITTEE ON UWEZO FUND AUDITED FINANCIAL STATEMENTS FOR  
FINANCIAL YEAR 2016/17**

**PRESENTED TO THE COMMITTEE ON IMPLEMENTATION STATUS OF HOUSING  
RESOLUTIONS**

**DATE: 22<sup>ND</sup> JULY, 2020**

**RESPONSES TO COMMITTEE RECOMMENDATIONS ON  
THE REPORT OF THE OFFICE OF THE AUDITOR GENERAL FOR THE FINANCIAL  
STATEMENTS OF UWEZO FUND FOR THE YEAR ENDED 30<sup>TH</sup> JUNE 2017.**

**INTRODUCTION**

This report addresses recommendations made by the Special Fund's Committee on Uwezo Fund audited financial statements for the Financial Year 2016/17. In the report, the Fund has responded to the specific recommendations made by the Committee on the audit queries as well as the general observations made by the Committee in this report.

**2.3 REPORT FOR THE YEAR ENDED 30<sup>TH</sup> JUNE 2017**

**2.31. AUDIT QUERRY NO.1 - ACCURACY OF THE FINANCIAL STATEMENTS**

21. The first and final sets of financial statements for the year ended 30 June 2017 submitted for audit exhibited unexplained account balances movement as detailed below

<b>Account Name</b>	<b>Balance as per final Set of financial statements</b>	<b>Balance as per the initial Set of financial statements</b>	<b>Unexplained Movement</b>	<b>Explanation</b>
Note 7: Constituency Administration costs-Balance b/d	46,121,430	145,216,262	99,094,832	The wrong closing balance for year 2015/2016 was picked as kshs 145,211,430.00 in the first set of financial statement instead of kshs 46,121,430.00 which was the correct closing balance of unutilized funds thereby resulting into a

				difference of kshs 99,094,832.00. Refer to note 7 of the financial statements for year 2015/2016 ( <b>Appendix 1</b> )
Unutilized funds(bank balance)	52,785,423	52,348,640	436,783	The difference of kshs. 436,783.00 was as a result of wrong figures submitted in the bank certificates of Gatanga, Ruaraka, Embakasi North, Maragua, Voi and missing bank certificates for Langata, Tinderet, Kipkelion West Mwatate Constituencies. The bank certificates of the wrong balances, the corrected one and missing certificates are available for audit review ( <b>Appendix 2</b> )
loans to groups-CBK balance	500,000,000	657,390,839	157,390,839	The kshs.500,000,000 was not a bank balance but an amount received towards the end of the year for loans to groups. The figure was captured as grants to capital loans in the statement of cash flows Note 16. The first

				<p>set of financial statement inadvertently included first half of constituencies' administrative transfers of Kshs.156.6 million which included a casting error of Kshs.790,839 totaling to Kshs.157.39 Million. These errors were noted and corrected in the final set of financial statements <b>(Appendix 1).</b></p>
Balance in the main account	295,738,028	285,099,061	10,636,967	<p>The difference of kshs.10,636,967.00 was caused by wrong figures submitted in the bank certificates of Gatanga, Ruaraka, Embakasi North, Maragua, Voi and missing bank certificates for Langata, Tinderet, Kipkelion West Mwatate Constituencies. The bank certificates of the wrong balances, the corrected one and missing certificates are available for audit review <b>(Appendix 2).</b></p>

Balance in repayment account	1,126,785,244	1,114,572,531	12,212,713	The difference of Kshs. 12,212,713.00 caused by wrong figures submitted in the bank certificates of Gatanga, Ruaraka, Embakasi North, Maragua, Voi and missing bank certificates for Langata, Tinderet, Kipkelion West Mwatate Constituencies. The bank certificates of the wrong balances, the corrected one and missing certificates are available for audit review ( <b>Appendix 2</b> )
Bank and cash balances	2,412,412,986	2,389,124,523	23,288,463	This was the total difference of the bank certificates for main, administration and repayment account caused by the changing bank balances. (436,783+10,638,967+12,212,713=23,288,463.00)
Current liabilities	58,295,837	0	58,295,837	Ksh. 58,295,837.00 is the difference between the total Assets less Equity and Liabilities. (6,418,201,392 -

				6,359,905,555.00 = 58,295,837.00) Refer to page 2 statement of financial position The corrected bank balances received occasioned an increase in the current liabilities. <b>(Appendix 1)</b>
--	--	--	--	--

### **Management Response**

22. The accounting officer submitted that the Fund operates on manual platform and generates all reports manually. The initial financial statement and posting errors that necessitated preparation of amended set of accounts. The movement and adjustment at the resultant corrections which were agreed upon and explanations are as indicated in the table above.

23. Further the current liabilities balance of Kshs. 58,295,837 as at 30 June 2017 was not supported by any relevant documents. In view of the above unexplained movement/adjustments in the account balances the accuracy of the financial statement cannot under the circumstances be confirmed.

### **Management response**

24. The accounting officer submitted that the current liabilities of Kshs. 58,295,837 had been occasioned by an increase in the total assets (6,418,201,392) as compared with equities and liabilities (6,359,905,555)

### **Committee observation**

25. The committee observed that the accounting officer did not provide satisfactory explanations on the adjustment on the balances contrary to international public sector accounting standards (IPSAS) and provisions to section 68 of the public finance management act, 2012.

### **Committee recommendation**

The committee having considered the audit query recommends that the accounting officer of the Fund ensures compliance with international public sector accounting standards (IPSAS) and section 68 of the Public finance management act, 2012

### **RESPONSE TO COMMITTEE RECOMMENDATIONS**

**The Fund submits that it has provided satisfactory explanations on the adjustments made in the final financial statements on the balances and is in observance to the International Public Sector Accounting Standards (IPSAS) and provisions to section 68 of the public finance management act, 2012.**

#### **2.3.2 AUDIT QUERY NO. 2 BANK AND CASH BALANCES**

27. During the year under review, the Fund maintained bank accounts for each sub-county which were distributed over nine commercial banks and had bank balances amounting to Kshs. 1,475,308,695 as at 30 June 2017, and as disclosed in Note 11 to the financial statements. However, the management did not prepare bank reconciliation statements for the sub county treasuries bank accounts.

#### **Management Response**

28. The accounting officer submitted that the Fund maintains bank accounts for each sub-county which are distributed over nine commercial banks. Each 290 sub-county treasuries maintains 3 bank accounts totaling to 870. It is expected for each of the sub county treasuries to prepare bank reconciliation for each of the bank accounts and duly file them.

29. The Fund operates on manual platform both at the headquarters and the sub – county treasuries. The Fund depends on the services of the sub-county accountants, some of whom serve in more than one sub county treasuries, for instance Nairobi County that is under one accountant serving 17 sub-county treasuries.

30. At the time of audit review, the Fund was still receiving and -compiling bank reconciliation reports from 290 constituencies each operating 3 bank accounts totaling 870 bank accounts.



The Fund has received 648 bank reconciliations and are available for audit review and the exercise is still ongoing for the remaining 222 bank accounts.

31. She further submitted that the Fund had undertaken capacity building programmes for the sub-county officers to enhance funds operations and further engaged with the National treasury for timely submission of returns.

### **Committee observation**

32. The committee observed that -

- (i) Out of the 870 bank accounts operated by the Fund reconciliations of 222 had not been finalized and therefore the matter remains unresolved AND
- (ii) The accounting officer of the Fund did not adhere to international public sector accounting standards (IPSAS) and provisions to section 68 of the public finance management act, 2012 by failing to prepare accurate financial statements.

### **Committee recommendation**

33. The committee having considered the audit query recommends –

- (i) that the accounting officer of the Fund ensures compliance with the international public sector accounting standards (IPSAS) and provisions to section 68 of the public finance management act, 2012; and
- (ii) that the accounting officer undertakes reconciliations of the remaining 222 bank accounts and forwards to the auditor general the verification within three months of the adoption of this report by the house.

### **RESPONSE TO COMMITTEE RECOMMENDATIONS**

**To ensure compliance with the international Public Sector Accounting Standards (IPSAS) and provisions to section 68 of the Public Finance Management Act, 2012; the Fund has since received and compiled additional bank reconciliation reports and the bank balances from constituencies. The Fund has so far received bank reconciliations from various constituencies that amounts to Kshs 1,101,312,260.10. This translates to 75% of the 1,475,308,695 bank balance reported in the financial statement as at 30<sup>th</sup> June 2017. (Appendix 3)**

40. The Fund opened and operated the three bank accounts at chase bank since inception for Machakos constituency main account and administration account with balances of Kshs. 2,834,972, Kshs. 6,220,652 and Kshs. 4,192 respectively, all totaling Kshs. 9,059,816 as of 30 June 2017. The total amount in these accounts as the end of the previous financial year was cash Kshs. 3,901,940. It is therefore apparent the management continued to transact with chase bank even after the institution was placed under statutory management by the central bank of Kenya on 7th April 2016 thereby increasing the risk of loss the funds. Recovery of these amounts contingent upon the bank reverting to its normal operations.

### **Management Response**

It is true that the Fund has three accounts in Chase Bank for Machakos constituency with balances of Kshs. 2,834,972, Kshs. 6,220,652 and Kshs. 4,192 respectively, all totaling Kshs 9,059,816 as 30<sup>th</sup> June, 2017. The amount represents an increase of monies from Kshs 3,901,940 in the previous financial year. It is also true that the bank was placed under statutory management by the Central bank of Kenya on 7<sup>TH</sup> April, 2016.

40. The Fund opened and operated the three bank accounts at chase bank since inception in 2014 vide National treasury authority ref: AG:3/078/1 VOL.2/4 dated 23<sup>rd</sup> May, 2014. The Fund thereafter sought direction immediately it learnt of the Chase bank status and the National treasury granted authority vide letter no. ref AG:3/078/1 VOL.3/9 dated 25<sup>th</sup> August, 2016 to open 3 bank accounts, close the existing ones and transfer balances from old to new accounts at Family bank.

41. She further submitted that the Fund complied with all instructions as provided vide letter no. MPSYG/SDGA/ADM/1/17 dated 1<sup>st</sup> September, 2016 and a letter dated November, 2016 from Family bank confirming opening of the three bank accounts.

42. However, Chase Bank vide their letter no. Ref: CB/MACHA/JM/120117/002 dated 12<sup>th</sup> January, 2017 could not close account numbers 0342099045003 and 0342099045001 as they were held under moratorium as per instructions from Central Bank of Kenya while it is only account no. 0342099045002 that could have the balances therein transferred.

43. The Fund further consulted with the National Treasury vide letter ref: UWZ/FIN/5/19(46) dated 14<sup>th</sup> August, 2017 and were directed that the law applies uniformly to all depositors when a bank is put under receivership vide letter REF: AG.13/78 vol. 1/46. The chronology of events above clearly shows that, as it may be observed, time was taken in entering in to correspondences in line with the PFM Act Section 28(1).

44. Meanwhile Central bank of Kenya gave update on 30<sup>th</sup> March, 2017 stating the background of the Chase bank receivership and progress so far made and promised to keep the interested stakeholders of various milestones. The resultant increase in the deposits from Kshs. 3,901,940 to the current balance of Kshs 9,064,216 is attributed to Loan Repayments. This is as a result of the lengthy process of obtaining the relevant authorities and communicating the same as guided.

45. The Fund could neither close the accounts at Chase Bank nor advice the loan beneficiaries without having properly authorized alternative bank accounts in place. The tabulated information below gives breakdown of the net increase of Kshs. 5,157,876. The loan repayment account only had an increase of Kshs. 5,551,359.

46. The chronology of events above being guided by the PFM Act Section 28(1) and all those correspondences entered into thereafter, clearly shows that the management acted prudently. Correspondences and Bank statements are available for audit review. Chase Bank has been taken over by SBM Bank as a going concern assuming 75% of assets and liabilities of the Funds interests while the remaining 25% was taken over by KDIC. The Fund is recognized as a client no. 099045 by SBM bank and provide a plan for assessing the funds.

47. All the three bank accounts at CBL were moved to SBM bank, a total of Kshs. 1,612,846 was taken over by KDIC as directed by CBK, and the SBM bank placed a total of Kshs. 2,419,278 into fixed deposit account maturing yearly in three equal installments at an interest rate of 6.30%. At SBM bank the main account was used as a collecting account where funds from administration and loan repayment accounts were transferred into. A consolidated amount of Kshs. 3,714,112.65 was moved into the main account resulting into a total of Kshs. 5,055,835.65 which was finally transferred to KCB main account and available for utilization by the constituency.

#### Committee observation

48. The committee observed that the management allowed borrowers to continue repaying loans through the Chase bank account even after institution was placed under statutory management, which increased the risk of loss of funds.

#### Committee recommendation

49. The committee having considered the audit query recommends that the accounting officer of the fund exercises due diligence in maintaining bank accounts at the constituency level as guided by the National treasury.

### **RESPONSE TO COMMITTEE RECOMMENDATIONS**

**The Fund submits that it has continued exercise due diligence in safeguarding the funds after the bank accounts was taken over by SBM Bank from Chase bank. The Fund has entered a moratorium with SBM Bank in which the money was put in a fixed deposit account and an agreement reached between the Fund with SBM Bank whereby the money will be refunded to the Fund in three installments. The Fund has been able to get money for utilization from the fixed deposit account of Kshs. 2,428,814.00 and has also received interest on the fixed deposit account of Kshs.112, 469.00. The cash balance in SBM Bank as at 30<sup>th</sup> March 2020 was in the amounts of kshs 3,229,123.1 and that of KCB bank was kshs 5,471,123.10. This transfer of money from fixed deposit account at SBM Bank to KCB confirms the agreements that were entered. Thus, no funds have so far been lost and the Fund shall be refunded the remaining cash balances held by SBM Bank plus any interest that will accrue within the period of the three years. (Appendix 4)**

50. The Auditor general had indicated that the Board of survey and cash books for the period ended 30<sup>th</sup> June, 2017 for the nine sub counties treasuries bank accounts were not provided for audit examination.

#### **Management Response**

51. The Principal Secretary submitted that the Fund had not received Board of Survey Certificates and cash Books for the period ending 30<sup>TH</sup> June, 2017 for the nine sub counties



constituencies bank accounts. The Fund operates 3 cash books for each of the 290 constituencies totaling to 870 out of this 426 board of survey reports and 492 cash books have been compiled. The activity is ongoing to ensure all reports are presented for audit review. The Fund has continued carrying out capacity building to the sub-county personnel and also requesting for support from the National treasury.

### **Committee observations**

52. The committee observed that the accounting officer did not provide the cash books, bank certificates and board of survey reports for audit review contrary to section 62 of the Public Audit act, 2015.

### **Committee recommendations**

53. The committee recommends that the accounting officer complies with section 62 of the public Audit act 2015 and regulations 90 of the Public finance management (National Government) regulations, 2015.

54. The Auditor General indicated that the bank and cash balances of Kshs. 2,412,412,986 as at 30th June, 2017 included a balance of cash Kshs. 52,785,423 claimed to be amounts transferred to constituencies and which remained unutilized and cash in transit balance of Kshs. 175,500,000 as disclosed under note 7 to the financial statements. However, the balances of Kshs. 52,785,423 and Kshs. 175,500,000 were not supported by any relevant and verifiable documents. Consequently, the validity and existence of the amounts as at 30 June 2017 cannot be confirmed.

### **Management Response**

55. The accounting officer submitted that the bank and cash balances of Kshs. 2,412,412,986 as at 30<sup>th</sup> June, 2017 included a balance of Kshs. 52,785,423 being amounts transferred to constituencies which remained unutilized. This amount had been disbursed to the respective constituencies for use on Administrative activities.

56. She further submitted that the Fund is guided by Section 9 of the public finance management act (Uwezo Fund) Regulations, 2014 that directs that any amounts remaining in the constituencies bank accounts at the end of every financial year should be rolled over

to the subsequent financial year for the intended purpose. The amounts are supported by the bank Certificates of Balances for the 290 constituency administration accounts all totaling to Kshs. 52,785,423.00 and were available for audit review.

57. Disbursements of Kshs. 175,500,000.00 to the 290 constituencies were similarly for administrative purposes. The AIEs had been prepared prior to 30<sup>th</sup> June 2017 but they were disbursed in year 2017/2018. AIE schedule together with the respective copies totaling to Kshs. 175,500,000 and bank certificate were available for review.

#### **Committee observation**

58. The committee observed that the accounting officer did not provide supporting documents such as cash books, bank balance certificate for Kshs. 32,450,706 transferred to constituencies for audit review. This was in contravention of section 62 of the public act, 2015 and regulation 90 of the public finance management (national government) regulation, 2015.

#### **Committee recommendation**

59. The committee recommends that the accounting officer complies with section 62 of the public audit act, 2015 and regulation 90 of the public finance management (National treasury) regulation, 2015.

#### **RESPONSE TO COMMITTEE RECOMMENDATIONS**

**To comply with section 62 of the Public Audit Act, 2015 and Regulation 90 of the Public Finance Management (National treasury) regulation, 2015. The Fund has since received and compiled cash books, bank certificate and board of survey from more constituencies and the balances for reports received are Kshs 628,764,526.22, 1,044,625,053.91 and 807,718,351.99 respectively in support of the figure reported in the financial statements. This translates to 43%, 71% and 55% respectively of the bank figure of Kshs 1,474,308,695 reported in the financial statements. The slow implementation of these documents is due to the few sub-county accountants who operate in more than one constituency. (Appendix 3)**

60. The Auditor General had also indicated that Bank balances schedules for some constituencies provided for audit had unexplained nil balances while related bank certificates reflected the balances indicated in the following table:

Name of Constituency	Main account (Kshs.)	Administrative Account (Kshs.)	Repayment Account (Kshs.)	Total (Kshs.)
Langata	443,851	242,235	2,706,376.05	3,392,462
Tinderet	659,926	4,570	5,489,665.00	6,153,861
Kipkelion West	57,246	5,595	5,576,787.00	5,639,628
Mwatate			4,419,060.00	4,419,060
<b>Total</b>	<b>1,160,723</b>	<b>252,400</b>	<b>18,191,888.00</b>	<b>19,605,011</b>

### Management Response

61. The Principal Secretary submitted that the Fund received certificates of bank balances with nil balances as indicated by the respective banks. The fund requested to be given explanations for the unique nil balances for a number of bank accounts. These nil balances were found to be erroneous and the banks provided corrected certificates of bank balances after the financial statements had already been prepared. However, the corrections were captured in the amended financial statements which had been presented for audit review.

### Committee observation

62. The committee observed that the accounting officer of the Fund did not provide bank certificate to support the nil balances as reflected in the financial statement in contravention of section 62 of the public act, 2015 and regulation 90 of the public finance management (National government) regulation, 2015.

### Committee recommendation

63. The committee recommends that the accounting officer complies with section 62 of the public act, 2015 and regulation 90 of the public finance management (National government) regulation, 2015.

#### **RESPONSE TO COMMITTEE RECOMMENDATIONS**

**To comply with section 62 of the Public Audit Act, 2015 and Regulation 90 of the Public Finance Management (National Government) Regulation, 2015, the Fund has since collated certificates of bank balances from constituencies that were earlier indicated to be having nil balances and an additional 48 certificates of bank balance with their correct balances have been received by the Fund and are now available for confirmation. (Appendix 2)**

#### **2.3.3. AUDIT QUERY NO. 3 LOANS TO GROUPS**

68. The statement of financial position as at 30 June 2017 reflects outstanding loans to groups of Kshs. 3,931,876,732. As disclosed in Note 9 to the financial statements, the figure has been derived by taking the initial National Government capital grant amount of Kshs. 5,854,400,004 and netting off the amount of monies presumably held in the CBK and main bank accounts amounting to Kshs. 795,738,028 and loan monies held in the repayment account amounting to Kshs. 1,126,785,244 all of which were not supported.

69. Further, there were no debtors' ledgers detailing loans issued by the Fund since inception and repayments made over the years on account of any loan's recovery. There were also no comprehensive loan listings and/or aging analysis in support of outstanding loans.

70. Consequently, the accuracy, validity and recoverability of the group's loans balance of Kshs. 3,931,876,732 cannot be confirmed.

#### **Management Response**

71. The accounting officer submitted that the outstanding loans to constituencies of Kshs. 3,931,876,732 was supported by disbursements of Kshs. 5,854,400,004 and were sent to constituencies through the main account less balances in CBK account of Kshs. 500,000,000 and balances in main account of Kshs. 295,738,028 and loan repayment bank balance of Kshs. 1,126,785,244.00 both of them are supported by certificates of bank balances as at 30<sup>th</sup> June, 2017.



72. Given that the loans are managed at the constituencies, the detailed listing to support the loan balances for each constituency groups had not been received due to the fact that the Fund operates manually both at the headquarters and Sub County Treasuries.

The Fund had received debtors' ledgers from constituencies and the balance in the ledger was Kshs. 4,029,153,691.00. The difference between Kshs. 4,029,153,691.00 and Kshs. 3,931,876,732.00 is a result of unissued amounts of approved loans that had not been released by constituencies.

73. She further submitted that debtor's ledger, indicating the respective loan beneficiaries (groups) and the expected dates for full repayment were availed for audit review. The challenge of getting debtor's ledger returns from the constituencies is occasioned by delays in submitting reports. The Fund had requested national treasury to designate accountants to manage the Funds operations at the sub-county treasuries. To enhance recovery, the Fund had involved the service of the National Government Administrative Officers, training of CUFMCs and conducting Intensive loan recovery campaign.

#### **Committee observation**

74. The committee observed that the accounting officer of the Fund did not provide documents to support outstanding loans to groups for audit review contrary to section 62 of the public act, 2015 and regulation 90 of the public finance management (National government) regulation, 2015.

#### **Committee recommendation**

75. The committee recommends that the accounting officer complies with section 62 of the public audit act, 2015 and regulation 90 of the public finance management (National government) regulation, 2015.

#### **RESPONSE TO COMMITTEE RECOMMENDATIONS**

**To comply with the provisions of section 62 of the Public Audit Act, 2015 and Regulation 90 of the Public Finance Management (National Government) Regulation, 2015, the Fund has since put in place reporting mechanisms to ensure submission of constituencies' loan listing since inception. So far, the Fund has initiated submission**

of loan listing returns from constituencies to support the figure of Kshs 3,931,876,732.00 that is reported in the financial statements for the financial year 2016/17. Submission of the full report was interrupted/ hampered by covid-19 pandemic. Returns of debtor's ledger are herein provided. (Appendix 5)

#### 2.3.4 AUDIT QUERY NO. 4 - WORK - IN - PROGRESS

76. The statement of financial position reflects under current assets work-in-progress amounting to Kshs. 19,522,765. As disclosed in Note 10 to the financial statements, the amount represents 40%-part payment in respect of an Enterprise Resource Planning (ERP) software procured and contracted for in the year 2015/2016. The supply, installation and commissioning of the software is yet to be made even though 40%-part payment was made over two years ago.

77. Information available for audit indicates that the implementation of the ERP which was contracted at a sum of Kshs. 48,806,912 has been called off even though there is a valid contract between the fund and the supplier. Further the recoverability and utilization of the part Payment of Kshs. 19,522,765 is doubtful given that the fund management appears to have stopped the implantation of the software. The value for money received by the fund in respect of the software cannot under the circumstances be ascertained.

78. Further, contrary to the requirements of International Public Sector Accounting Standard (IPSAS) No. 31- Intangible Assets, the cost of the ERP software has been treated as work-In-Progress and classified under current assets instead of non-current assets. No justification has been provided for this accounting treatment.

79. The validity, existence and accuracy of work-In-Progress balance of Kshs. 19,522,765 cannot, therefore be confirmed.

#### Management Response

80. The Principal Secretary submitted that the statement of financial position reflects under current assets work in progress amounting to Kshs. 19,522,765 which represents 40% of the

contract sum and is part payment in respect to enterprise resource planning (ERP) software procured and contracted in year 2015/2016.

81. This payment was proper in honoring the Fund's contractual obligation vide paragraph 1.6.1 of the contract terms spelt in Tender no. UWZ/RFP/040/2014/2015. Further, it is noted that the contract had not been terminated as it was to run for 24 months. At the end of the financial year, the supplier had done a fractional requirement design yet to deliver the software for testing. The work is still on-going and may not have met the criteria for recognition as intangible asset as per IPSAS 31 intangible assets.

82. The guidelines provided for recognition of intangible asset as "*if it is probable that the future economic benefit or services potential that are attributable to the asset will float the entity and that the cost or the fair value of the asset can be measured reliably*". The Fund is in consultation with the concerned government ministries/Departments to have the issue brought to a logical conclusion.

### **Committee observation**

The committee observed

- (i) That the accounting officer of the Fund paid Kshs. 19,522,765 being 40% of the cost for the Enterprise resource Planning (ERP) as per the contract;
- (ii) That the implementation of the Enterprise resource Planning (ERP) project has not been completed and the project period has lapsed and
- (iii) That there was no value for money on the Kshs. 19,522,765 (40%) paid for the project as per the contract.

### **Committee recommendation**

The committee recommends that the accounting officer of the Fund be investigated by the Director of criminal investigation for failure to implement the project.

### **RESPONSE TO COMMITTEE RECOMMENDATIONS**

**As rightly observed by the Committee, the payment of the 1<sup>st</sup> instalment of Kshs. 19,522,765 (being 40% of the contract sum) was done in honor of the Fund's**

contractual obligation vide paragraph 1.6.1 of the contract terms spelt in Tender no. UWZ/RFP/040/2014/2015. As earlier submitted, the contract had not been terminated as it run for 24 months. By the close of the financial year, the supplier had done a fractional requirement design yet to deliver the software for testing.

Further, the contract was not called off but consultations with relevant offices delayed the progress. The Head of Public Service through his letter OC.CAP/14/21A dated December 2017 had given directive that the Affirmative Funds would be merged. This directive delayed appointment of Board members to conclusively deliberate on this matter and provide a way.

Nevertheless, since the annulment of the Biashara Kenya Fund Regulations 2019 and the revocation orders of PFM (Uwezo Fund) regulation 2014 by the National Assembly select Committee on delegated legislation, the Board embarked on reviewing the Contract and has undertaken consultation with relevant offices in order to regularize the contract.

Upon establishment of the Board, Fund Management sought guidance on the implementation of ERP from the Board. In order to realize value for money of Kshs 19,522.765.00 so far paid ,the Board in its meeting held on 10<sup>th</sup> January 2020 and 18<sup>th</sup> March 2020 resolved to revive the implementation of the ERP project. The Board advised the Management to fast track the administrative implementation procedures of the project from the relevant Ministries, Departments and Agencies. The management has since communicated the Boards decision to revive and renegotiate the Contract to Ms Coretec Systems and Solutions Limited to the relevant authorities including Public Procurement Regulatory Authority, Ministry of ICT & Innovation, ICT Authority and Office of the Attorney General.

### **2.3.5 AUDIT QUERY NO. 5 - CONSTITUENCIES ADMINISTRATION COSTS**

85. The statement of financial performance of the year ended 30 June 2017 reflects administration costs – transfers to constituencies' figure of Kshs. 131,036,007 which was not supported by any documentary evidence. As disclosed in Note 7 to the financial statements, the figure has been derived after taking into account unsupported opening



balance figure of Kshs. 46,121,430 and transfers during the current year of Kshs. 313,200,000, respectively and reducing the total amount with the unsupported utilized funds – bank balance of Kshs. 52,785,423 and cash in transit balance of Kshs. 175,500,000 respectively.

86. Under the circumstances, it has been not possible to verify and confirm the accuracy of administration costs – transfer to constituencies figure of Kshs. 131,036,007 of the year ended 30 June 2017.

### **Management Response**

87. the principal secretary submitted that transfers to constituencies figure of Kshs. 131,036,007 had been derived by taking the transfers during the current year of Kshs. 313,200,000 adding the opening figure of Kshs. 46,121,430 and reducing it with the balances of unutilized funds figure of Kshs. 52,785,423 and cash in transit balance of Kshs. 175,500,000.

88. The opening balance of Kshs. 46,121,430 is supported by closing balance of audited financial statements for 2015/2016 financial year which formed opening balance for the year under review. This figure is further supported by bank certificate of balance. The unutilized funds of Kshs. 52,785,423 are supported by bank certificates of balance for administration accounts for all the 290 constituencies as at 30<sup>th</sup> June, 2017.

89. Cash in transit of Kshs. 175,500,000 is supported by certificate of bank balance and bank reconciliation statement for the headquarter bank account. The funding for AIEs totaling Kshs. 175,500,000 had not left the headquarter bank account by closure of the year under review. Transfer to constituency figure of Kshs. 131,036,007 is further supported by expenditure returns that are submitted by sub- county treasuries. At the time of audit examination not all had been received due to delay by the constituencies in submission of the returns.

90. The Fund has undertaken capacity building on sub-county accountants and youth officers to understand the funds operations. Further the Fund has requested the national treasury to designate accountants to handle the Fund's activities at the sub-county treasuries to ensure efficiency in its operations.

## **Committee observations**

91. The committee observed that;

(i) The accounting officer of the Fund did not submit supportive documents such as expenditure returns from constituencies for administrative costs contrary to section 62 of the public audit act, 2015 and regulation 90 of the public finance management (National government) regulation, 2015.

## **Committee recommendations**

92. The committee recommends that the accounting officer complies with the section 62 of the public audit act, 2015 and regulation 90 of the public finance management (National government) regulation, 2015.

## **RESPONSE TO COMMITTEE RECOMMENDATIONS**

**To comply with the provisions of section 62 of the Public Audit Act, 2015 and Regulation 90 of the Public Finance Management (National Government) Regulation, 2015, the Fund has since compiled expenditure returns of amounts of Kshs 86,844,074 from the constituencies to support the item of administrative costs, This translates to 66% of Kshs 131,036,007 reported as administration cost in the financial statements. The fund is in process of gathering more expenditures returns that are remaining from the constituencies that have not submitted. Submission of all expenditure returns were interrupted by covid-19 pandemic. The returns so far received are now available for confirmation. (Appendix 7)**

## **2.3.6 AUDIT QUERY NO. 6 - OUTSTANDING IMPRESTS**

93. The financial statements of the year ended 30 June 2017 at Note 12 shows outstanding staff imprests balance of Kshs. 5,385,476. However, the imprests register was not provided for audit review and imprests totaling Kshs. 807,760 were issued to persons whose details, personal numbers and job groups were not indicated in the imprests schedule.

94. In addition, a total of Kshs. 1,176,998 was respected to officers who have already left the service making recovery doubtful. No provision for impairment of the same has been included in these financial statements. Under the circumstances, it has not been possible to verify and confirm whether the balance of Kshs. 5,385,476 as to 30 June 2017 is fairly stated.

### **Management Response**

95. The accounting officer submitted that the financial statements for the year ended 30<sup>TH</sup> June, 2017 show outstanding imprest balances of Kshs 5,385,476. The Fund has recovered a total of Kshs. 4,653,284.40 leaving a balance of Kshs. 677,792.00. The fund has confirmed that the officers are still in service. The recovery letter were done to the concerned accounting officers. Copies of the vouchers, and F017 and bank statements were availed for audit review.

### **Committee observation**

96. The committee observed;

(i) that whereas the imprests totaling Kshs. 807,760 was issued to officers, personal numbers and job groups were not provided for verification contrary to regulation 93 (4)(c) of the public finance management (national government) regulation, 2015; and

(ii) that the outstanding imprest balance of Kshs. 732,191.60 remains unrecovered contrary to regulation (93) of the public finance management (national government) regulation, 2015.

### **Committee recommendation**

97. The committee having considered the audit query recommends

(i) that the officers be compelled to pay back the amounts with interest at the prevailing Central bank rates pursuant to regulation 93 (6) of public finance management (national government) regulation, 2015

(ii) The accounting officer of the Fund ensures recovery of the outstanding imprests from the officers within three months of the adoption of this report by the house.

(iii) that where the outstanding imprest is not recovered as stipulated the accounting officer of the Fund be surcharged in accordance with the regulation 93(7) and the public finance management (national government) regulation, 2015

## **RESPONSE TO COMMITTEE RECOMMENDATIONS**

To implement the recommendations of the committee on outstanding imprests, the Fund wrote to the Accounting Officers managing the payroll of the officers to recover the outstanding imprests held by them from their salaries. The Fund submits that outstanding imprests in the amounts of Kshs 319,902.00 held by some officers have been recovered from their salaries and FO 17 confirming recovery are available for confirmation. However, outstanding imprests in the amounts Kshs 357,890.00 held by some officers are yet to be recovered and reminder letters for recovery of the same has been drawn to respective Ministries. On further follow up one officer with an outstanding imprest of Kshs 199,050 is on interdiction and another officer whose outstanding imprest of the amounts of Kshs 44,094 was deducted but remittance of the same was done in the Funds account. Copies of reminder letters demanding recovery of the outstanding imprests for the respective officers are available for confirmation. *(Appendix 8)*

### **2.3.8 AUDIT QUERY NO.8 - BOARD OF DIRECTORS - COMPOSITION AND MEETINGS**

101. Out of seven directors who served in the Board of the Fund during the under review, five were independent non-executive and four of the seven ceased being directors on 28 February 2017. There has been no replacement or extension of their terms which they could easily impact on the strategic decision making of the Fund. Further, the Board held only three full board meetings contrary to the Code of Governance of State Corporations, 2015 which requires the Board of Directors to hold a minimum of four meetings.

#### **Management Response**

102. The accounting officer submitted that the seven directors who served in the board during the year under review four ceased being directors on 28<sup>th</sup> February, 2017. The Fund started the process of replacement or/and extension just before the expiry of the board members' respective term, it is noted that by the closure of the financial year it had not been finalized.

103. She further submitted that the Board had only three meetings as opposed to four due lack of quorum. As correctly observed above, the term of most members had expired.



However, an additional director was appointed to the board on 24<sup>th</sup> July, 2017 making a quorum for the Board operation

#### **Committee observation**

104. The committee observed that the board was not properly constituted which affected the strategic decision making of the Fund.

#### **Committee recommendation**

105. The committee recommends that the Cabinet Secretary responsible for the Fund ensures the board is properly constituted and functional pursuant to regulation 5 of the public finance management (Uwezo Fund) regulation, 2014.

### **RESPONSE TO COMMITTEE RECOMMENDATIONS**

As submitted earlier, the Head of Public Service through his letter OC.CAP/14/21A dated December 2017 had given direction that all affirmative funds be merged and further directed that filling of Board positions be put on hold. However, since the merger of the affirmative funds was annulled by National Assembly Select Committee on delegated legislation the Cabinet Secretary constituted Uwezo Fund Oversight Board vide Kenya Gazette notice Vol. CXXI-No. 139 of 17<sup>th</sup> October, 2019 (attached). In view of this, the Board is currently properly constituted and is strategically making decisions for the Fund as per the regulations. In compliance with Mwongozo Code of Governance for State Corporations, the Board Constituted and operationalized 4 board committees with specific terms of reference namely, Programmes and Publicity Committee, Finance and Resource Mobilization Committee, Human Resource and Administration Committee and Audit and Risk management Committees to assist the Board. (Appendix 9)

### **GENERAL OBSERVATIONS AND RECOMMENDATIONS**

#### **THE PUBLIC FINANCE MANAGEMENT ACT 2012**

107. The committee observed that the accounting officer of the fund failed to submit relevant supporting documents for audit review, in addition documents were not submitted within

reasonable time in contravention to the provisions of section 62 of the Public Audit Act 2015 which compels the accounting officers to provide information to the auditors when need arises. In addition the officers contravened the provisions of sec 68 of the public finance management act that bestows all the responsibility of proper management of the funds management books of accounts

108, the committee therefore recommends that the accounting officer of the fund ensures compliance with section 62 of the public audit act 2015 and section 68 of the public finance management act, 2012

#### **RESPONSE TO COMMITTEE RECOMMENDATIONS**

**It's regrettable that the Fund did not provide Auditors with documents for audit review in good time. This was due to the fact that the Funds accounting operations are purely maintained on manual basis in both the head office and at the constituency level. Further, some of the of the supporting documents that are required for audit review are prepared by the Sub-county accountants who in many cases fail to submit them to the head office in good time for the Fund to avail them during the time of audit. The Fund has made judicious efforts to have these documents submitted by the Sub-county accountants by seeking some intervention from the National Treasury.**

#### **2.4.2 LOANS DISBURSED TO GROUPS**

109 The Committee observed that the Fund advanced loans of approximately Kshs. 4 Billion since inception in 2014/15 to various groups, whose details such as debtors' listings were not availed for audit review. Consequently, the accuracy, validity and recoverability of loans advanced to groups is doubtful.

110. The committee therefore recommends that the Accounting officer of the Fund ensures compliance with section 62 of the Public Audit Act, 2015 and section 68 of the Public Finance Management Act, 2012.

#### **RESPONSE TO COMMITTEE RECOMMENDATIONS**

**In compliance with section 62 of the Public Audit Act, 2015 and section 68 of the Public Finance Management Act, 2012, The Fund has put in place necessary**

mechanism to obtain valid and accurate loan details from the constituencies for audit review.

Comprehensive details of all loans advanced by the Fund are maintained at the constituencies, which are the expenditure points for the Fund. These details indicate the identity of groups whose loans are advanced to, the amounts loaned to them, their monthly repayments of the loans and the outstanding amounts. Given the manual operation of the Fund, submission of these information is delayed.

To improve this Fund has put in place the following measures;

- i. Trained the Secretariat Staff charged with the preparation of the loan documents on valid and accurate preparation of the reports.
- ii. Developed and shared standardized reporting templates for the loan details.
- iii. Strengthened the reporting mechanism by incorporating supervisors at parent department of the officers involved in the Secretariat duties.

#### **2.4.3. GAZETTEMET OF COMMITTEES AT THE CONSTITUENCY LEVEL**

111. The Committee observed that there was a delay in the gazettelement of Constituency Uwezo Fund Management Committees established under Regulation 15 of the Public Finance Management (Uwezo Fund) Regulations, 2014. This had hindered effective operations of the Fund at the Constituency which resulted to the delays in loan issuance and recovery.

112. The Committee recommends that the Cabinet Secretary responsible for the Fund ensures timely gazettelement of the names of the persons constituting the Constituency Uwezo Fund management Committees pursuant to Regulation 15(5) of the Public Finance Management (Uwezo Fund) Regulations, 2014.

#### **RESPONSE TO COMMITTEE RECOMMENDATIONS**

It is true that some constituencies had not submitted the nominees for gazettelement to Uwezo Fund Management Committees. The Cabinet Secretary, Ministry of Public Service and Gender wrote to all the Members of Parliament through the Clerk of The National Assembly requesting the Members of Parliament to submit names of nominees

to the Committees vide letter Ref. No.MPYG.CS/10/3 dated 30<sup>th</sup> August, 2017 (Attached). This guideline is provided for in Regulation 15.1 that provides for the establishment of the Constituency Uwezo Fund management Committees and 15.2 (e) the provides for a representative from each ward in the constituency nominated by the constituency member of Parliament; (f) two representatives from the constituency, one of whom shall be a male youth, nominated by the county women representative; and (g) one person with disability per constituency who shall be appointed by the county women representative.

By the time of the Audit, some constituencies had not submitted nominees to the Cabinet Secretary for gazettelement. However, the Board through the Cabinet Secretary has done reminders to Parliament and engaged the respective Members of Parliament directly and through parliamentary Caucus groups.

We are pleased to report that to date, 275 constituency Committees have been gazetted, 9 are being processed by the Attorney General and only 6 are yet to comply. (see Appendix10)

#### **FIFTY PERCENT 50% REPAYMENT THRESHHOLD ON LOANS**

113 The committee observed that Uwezo Fund Board resolution on the threshold of fifty percent repayment of loans was punitive. The policy implies that the fund can only replenish loans to a constituency when recovery is at least fifty percent

114. The committee recommends that the Uwezo Fund revive the policy on the constituency

#### **RESPONSE TO COMMITTEE RECOMMENDATIONS**

The Board appreciates the observation of the Committee and to address this, the Board in its meeting held on 4th December 2019 vide Min. UWZ/BRD/21/02/12/19 resolved that constituencies should: -

- **Prioritize refinancing of groups that have fully repaid the initial/subsequent loan amounts in constituencies where the repayment rate is below 50% threshold**

- Upon satisfactory evaluation by the CUFMCs, recommend groups that have demonstrated efforts in the repayment of their initial loans to at least 75% but have not been able to clear due to circumstances deemed valid by the CUFMC. In such, the groups unpaid loan balances shall be deducted upfront from their new loans upon approval by the Board; and that
- Allow gradual loaning of new groups in the constituencies to optimum amounts that are proportionate to the product of the repayment rate and amounts repaid.

#### **2.4.5. FACILITATION OF CONSTITUENCY UWEZO FUND MANAGEMENT COMMITTEES**

115. The Committee observed that members of the Constituency Uwezo Fund Management Committees are not adequately facilitated to monitor the activities of the Fund including follow up on loans disbursed. There is need to enhance the budget on monitoring, evaluation and administrative costs for the committees to ensure they perform their functions efficiently as stipulated under Regulation 16 of the Public Finance Management (Uwezo Fund) Regulations, 2014.

116. The Committee Recommends-

- (i) That the Fund to set aside not more than five per centum of the amount disbursed to a constituency for purposes of monitoring, evaluation and administrative costs for the Constituency Uwezo Fund Management Committees; and
- (ii) That the Cabinet Secretary to issue guidelines on allowances for members of Constituency Uwezo Fund Management Committees within three months of the adoption of this report.

#### **RESPONSE TO COMMITTEE RECOMMENDATIONS**

- 1. It is true that the Constituency Uwezo Fund Management Committees are not adequately facilitated to effectively undertake their mandate. This is due to the diminishing allocation of administration Fund from the exchequer.**



The formula to allocate administration funds to the constituencies is derived from Regulation 18 (1) which states that the initial capital of the Fund shall be allocated as follows—

(a) a one off three per cent administration fee shall be charged on the total fund allocated and shall be retained by the Board for purposes of facilitating both national and constituency level administrative functions; (b) an amount not exceeding eight per cent shall be earmarked for capacity building of the Fund beneficiaries and target groups; (c) for the balance of the Fund to constituencies—

(i) seventy five per cent shall be allocated equally across all constituencies; (ii) twenty five per cent shall be disbursed on the basis of the Kenya National Bureau of Statistics poverty index for equalization purposes;

For the Fund to be able to amend the administration allocation to the constituencies it will then require a review of the regulations and this is currently ongoing and the Board initiated an engagement with National Assembly Select Committee of Labour and Social Protection seeking to amend Uwezo Fund Regulations to accommodate these provisions and to enhance funding of the Board. The meeting was scheduled to be held in March 2020 but was put on hold due to Covid-19 pandemic

2. The current allowances paid to the committees were guided by the National Treasury during the inception of the Fund. However, the Board is in consultation with Salaries and Remuneration Commission in a bid to review the allowances payable to Committee members as indicated in letter UWZ/HR/003/1/A/35 and SRC/TS/CBT/3/3 VOL VI (68) letter dated 26<sup>TH</sup> February 2020 (See Appendix 10). Upon receipt of the advice from the Commission the Cabinet Secretary will issue detailed guideline on the remuneration of the Constituency Management Committee members.

#### **2.46. PROPER FINANCIAL REPORTING**

117. The Committee observed that the Fund did not comply with the International Public Sector Accounting Standards (IPSAS) in their financial reporting indicating that there was

lack of capacity of the staff at the Constituency level. The Committee noted that the Fund relied on District accountants who serve more than one constituency.

118. The Committee recommends that the Fund employs its own officers at the constituency level for proper financial reporting.

## **RESPONSE TO COMMITTEE RECOMMENDATIONS**

**It is true that the Fund did not comply with IPSAS in their financial reporting from the constituencies. Regulation (5) of the Public Finance Management (Uwezo Fund) Regulations, 2014 The Cabinet Secretary shall provide such public officers as may be necessary for secretariat services to the Board.**

**Regulation 15, 2 (d) provide that the sub-county representative of the national government Ministry responsible for youth and women affairs, who shall be an ex-officio member and the secretary to the Committee; 15,(7), The Constituency Development Fund Manager, one officer from the Ministry and the sub-county development officers shall provide the necessary secretariat services to the Committee. 15, (8). The Secretariat shall be primarily responsible to ensure compliance of the set guidelines on managing the Fund, facilitate the disbursement of the funds and recovery of the same.**

**The Board initiated the process of amending the legal instruments establishing the Fund to allow the Board to employ its own staff. In view of this, the Board developed the necessary Human Resource instruments guiding on staff requirements, remuneration structure and the Board Human Resource Manual.**

## **CHALLENGES**

The Fund has been facing the following challenges in its endeavor to implement the above recommendations.

- i.** The Fund does not have its own staff both at the secretariat and constituency level it instead relies on officers from other departments to implements its programmes.
- ii.** With the outbreak of covid-19 pandemic the Fund has not been able to make a follow up on recommendations.

- iii. The Fund operates on manual basis that is obviously slow thus hampering the implementation of the recommendations sited by the committee.





**III K. Submissions by the Ministry of Public Service &  
Gender**





**REPUBLIC OF KENYA  
MINISTRY OF PUBLIC SERVICE AND GENDER  
STATE DEPARTMENT FOR PUBLIC SERVICE  
Office of the Principal Secretary**

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Ref. No. MPSG/6 VOL.VIII/(14)

16<sup>th</sup> February, 2021

**The clerk of the National Assembly  
NAIROBI**

**(Attention Ms. Tracy Chebet Koskei)**

**IMPLEMENTATION STATUS OF HOUSE RESOLUTIONS**

Reference is made to letter Ref. No. NA/DCS/COI/2021 (005) dated 26<sup>th</sup> January, 2021 on the subject.

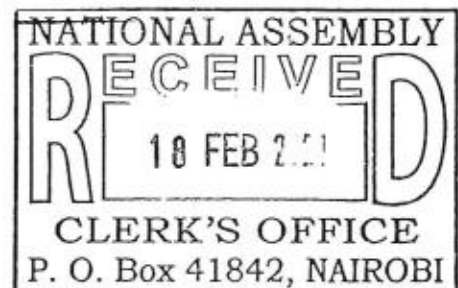
Forwarded herewith, please find Twenty Four (24) copies of the status report on the implementation of the recommendations of the Departmental Committee on Education & Research for your further necessary action. A soft copy of the report has been emailed to you as indicated in your letter under reference.

**Mary W. Kimonye, (Mrs.) MBS  
PRINCIPAL SECRETARY**

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FMA  
22/2/21

Encl.

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22/2/21







**MINISTRY OF PUBLIC SERVICE AND GENDER  
STATE DEPARTMENT FOR PUBLIC SERVICE**

**SUBMISSION ON IMPLEMENTATION STATUS OF THE HOUSE RESOLUTIONS  
OF THE DEPARTMENTAL COMMITTEE ON EDUCATION & RESEARCH ON THE  
CONSIDERATION OF THE PETITION ON NON PAYMENT OF HARDSHIP  
ALLOWANCE TO TEACHERS IN TAITA TAVETA COUNTY**

**FEBRUARY, 2021**

## 1) Background

The Ministry of Public Service and Gender, was invited by the Clerk to the National Assembly vide letter Ref. No. NA/DCS/EDUC/2019/094 dated 8<sup>th</sup> November, 2019 to appear before the Departmental Committee on Education and Research on Tuesday 26<sup>th</sup> November, 2019 to respond to a petition submitted by Teachers serving in parts of Taita Taveta County.

The Principal Secretary was requested to provide information on the following:

- (i) The criteria used to identify and consequently gazette hardship areas and a list of such areas in Taita Taveta County.
- (ii) Rationale for discrepancies in the criteria of gazetting the areas as hardship areas as exemplified by the fact that Kungu Primary School and Elijah Mzee Secondary School both in Mwatate constituency, share the same compound but only teachers in Elijah Mzee Secondary School are paid hardship allowance.
- (iii) Why hardship allowance for teachers in Rong'e Ward in Mwatate Constituency was withdrawn when Rong'e Ward's Educational Administrative boundaries were transferred from Voi Constituency to Mwatate Constituency.

## 2) Response to the petition

A presentation on the above issues was made by the Principal Secretary for Public Service on behalf of the Cabinet Secretary, Ministry of Public Service and Gender. A copy is attached as **Appendix I**.

The Committee was informed that, various jurisdictions within the Public Service had different criteria for designating Hardship Areas. In order to harmonise and address the disparities and challenges relating to the categorization and payment of hardship allowance across the Public Service, the State Department for Public Service had constituted an Inter-Agency Technical Committee comprising of appointed members from key stakeholders.

## 3) Departmental Committee Recommendations and Status of Implementation

Arising from the deliberations of the meeting, the Parliamentary Departmental Committee on Education and Research prepared a report signed 5<sup>th</sup> December, 2019.

The status of implementation of the recommendations of the Committee is as follows:

---

**Recommendation 1:** That, the Teachers Service Commission and the Inter-governmental Agencies constituted by the Ministry of Public Service, Youth and Gender Affairs reviewing the hardship areas should, based on the ongoing study align the

administrative boundaries in accordance with the Counties, Constituency and Wards boundaries to resolve the disparities of designation of hardship areas.

**Status of Implementation:**

A Country wide visit of the designated Hardship Areas for purposes of data collection reviewing and harmonizing the same across the Public Service was planned to be undertaken in 2 phases so as to accommodate the cost implication within the budgetary allocation for the 2020/2021 FY. The first phase of data collection was undertaken by the Inter-Agency Team between September, 2020 and October, 2020 while the 2nd and final phase will be undertaken in March, 2021.

**Recommendation 2:** The Inter-governmental agencies should visit Taita Taveta County within 2 weeks from the date of tabling of the report, to study the factors considered for an area to be categorized as a hardship area with a view to addressing discrepancies in designation of hardship areas and report to the National Assembly within two months.

**Status of implementation:**

- a) A Sub Committee of the Inter-Agency Committee comprising of officers from State Department for Public Service, Ministry of Interior and Coordination of National Government, Teachers Service Commission and Kenya National Bureau of Statistics visited Taita Taveta County from 2<sup>nd</sup> to 4<sup>th</sup> December, 2019.
- b) A report on the visit was prepared and submitted to the Clerk of the National Assembly vide letter Ref. No. MPSYG.DPSM. dated 20<sup>th</sup> December, 2019.

**Recommendation 3:** The Inter-governmental agencies should conduct a countrywide review of all counties at the Sub-locational level to resolve the current discrepancies in designation and payment of hardship allowance to teachers and public servants.

**Status of Implementation**

As per Recommendation 1.

**Recommendation 4:** The Inter-governmental agencies should develop a clear criteria on factors and the threshold required for an area to be designated as a hardship areas.

**Implementation Status**

- a) The Inter-Agency technical Committee developed a Weighted Criteria/Survey Tool for data collection;
- b) A Team of five (5) officers including an officer from Kenya National Bureau of Statistics and Commission on Revenue Allocation was constituted to validate the Survey Tool. The reviewed Survey Tool is being used in the Country wide field Survey; and



c) The findings of the Country wide field survey will be based on the revised tool and weighted criteria.

**4) Challenge**

Undertaking field visits to all designated hardship areas and areas where petitions have been submitted across the country has huge budgetary implications and the Ministry is currently facing financial constraints. The Ministry however, commits to complete the assignment given its significance to the Government, but due to the current austerity measures in place, the time lines for the exercise may not be met.



**Mary W. Kimonye, (Mrs.) MBS,  
PRINCIPAL SECRETARY**

### **III J. Submissions by the Teachers Service Commission**



1032

# TEACHERS SERVICE COMMISSION

TELEPHONE: NAIROBI 2892000  
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Date:27<sup>TH</sup> JULY, 2020

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**NAIROBI**

①  
D/units  
28/7/20

**ATTENTION: SERAH M. KIOKO**

**REQUEST BY THE SELECT COMMITTEE ON IMPLEMENTATION  
REGARDING IMPLEMENTATION STATUS OF HOUSE  
RESOLUTIONS**

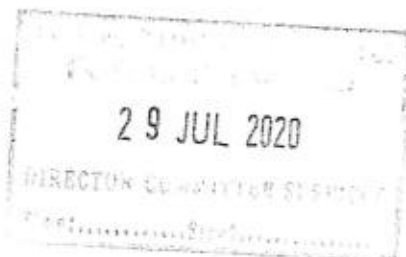
The above captioned matter and your letters ref:NA/DCS/COI/2020/(31) dated 9<sup>th</sup> July, 2020 and ref:NA/DCS/COI/2020/(33) dated 9<sup>th</sup> July, 2020 refers.

Attached, please find responses with regard to the above referred to matters.

**DR. NANCY NJERI MACHARIA, CBS  
SECRETARY/CHIEF EXECUTIVE**

② T. CHEESE  
Please deal  
AAA  
29/7/20

Encls.





APPX. II

## TEACHERS SERVICE COMMISSION

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NAIROBI, KENYA.

Ref: TSC/ADM/192A/VOL.IX/79

Date: 18<sup>TH</sup> FEBRUARY, 2020

**CIRCULAR NO: 1/2020**

**TO: TSC REGIONAL DIRECTORS**

### APPOINTMENT AND DEPLOYMENT OF INSTITUTIONAL ADMINISTRATORS

Pursuant to **section 20** of the TSC Act, and in view of the Commission's strategic pillar on re-engineering of its processes as per the current Strategic Plan, the Commission has directed that the Appointment and Deployment of the following institutional Administrators be decentralized and be coordinated by the Regional Director.

- i. All Primary Schools Institutional Administrators.
- ii. All Institutional Administrators for County, Sub-County and Day Secondary Schools.

The Commission has developed Guidelines to enable you effectively discharge this function. The Guidelines should be read together with the Commission's Policy on Appointment and Deployment of Institutional Administrators, Career Progression Guidelines for Teachers, the Code of Regulations for Teachers and other regulations governing the teaching service.

This is a sensitive assignment that requires your individual supervision and coordination. You are expected to ensure that the exercise is carried out in a transparent and accountable manner.

The Guidelines take effect from **13<sup>th</sup> February, 2020**. The provisions of the Code of Regulations for Teachers will continue to apply.

  
**DR. NANCY NJERI MACHARIA CBS**  
**SECRETARY/CHIEF EXECUTIVE**

**Copy to: County Directors .**  
**Sub County Directors**

## **GUIDELINES FOR APPOINTMENT AND DEPLOYMENT OF INSTITUTIONAL ADMINISTRATORS**

---

### **1.0 INTRODUCTION**

- 1.1 The Commission is required to facilitate career progression and professional development of teachers, including the appointment of Institutional Administrators as per the Kenya Constitution, the TSC Act 2012 and the Code of Regulations for Teachers.
  - 1.2 In this regard, the Commission reviewed its Policy on Appointment and Deployment of Institutional Administrators. The policy has also been aligned with the Job Evaluation Report (2016) which focused on the worth of every job in the teaching service.
  - 1.3 The functions of the Regional Director are to coordinate and supervise the appointment and deployment of Institutional Administrators in the region. In this regard Regional Director shall:-
    - 1.3.1 Chair the regional selection panel responsible for the appointment and deployment of institutional administrators for county, sub – county and day secondary schools’ administrators
    - 1.3.2 Ensure that the process of selection, appointment and deployment is transparent and accountable;
    - 1.3.3 Supervise County selection panels in the entire process of appointment and deployment of institutional administrators.
  - 1.4 The County Director shall coordinate the appointment and deployment of primary school administrators in the county. To do so, the County Director shall:-
    - 1.4.1 Chair the county selection panel responsible for the appointment and deployment of institutional administrators at primary school level;
    - 1.4.2 Ensure that the process of selection, appointment and deployment is transparent and accountable.
-

- 1.5 These guidelines are intended to compliment the provisions of the Policy on Appointment and Deployment of Institutional Administrators and should be read together with other policies and regulations governing the teaching service.
- 1.6 In execution of this role, the Regional Directors shall be responsible to the Director in charge of Staffing.
- 1.7 The appointment and deployment of the Principals of Extra County and national secondary schools, post-secondary institutions together with other senior administrative posts in institutions of learning, not mentioned herein will be the responsibility of the Director in charge of
- 1.8 In undertaking this assignment, the County Directors shall be guided by the Hand Book on Decentralized Teacher Management Functions, August 2015

## 2.0 OBJECTIVE OF THE GUIDELINES

### 2.1 General objective

The overall objective of the guidelines is to promote efficiency in the appointment and deployment of institutional administrators to public schools through a competitive selection and appointment as well as identifying suitable and timely provision of institutional administrators.

### 2.2 Specific objectives

The specific objectives are to;

- 2.2.1 Implement the framework for the appointment and deployment of institutional administrators in the teaching service as per the Commission's policy and regulations;
- 2.2.2 Guide the field staff in the process of appointment and deployment of Institutional Administrators;



2.2.3 Ensure that the appointment, selection and deployment of Institutional Administrators is standard across the country.

### 3.0 OVERALL GUIDELINES

In undertaking the assignment, the Regional Directors should take note of the following:-

- 3.1 That appointment and deployment of Institutional Administrators is undertaken in strict conformity with the provisions of the Constitution of Kenya, the TSC Act, the Code of Regulations for Teachers, the Policy on Appointment and Deployment of Institutional Administrators and the Teacher Career Progression Guidelines;
  - 3.2 Institutional Administrators comprises of the Principal, Deputy Principal, Head Teacher, Deputy Head Teacher, Dean, Registrar, Senior Master and Senior Teacher.
  - 3.3 Any matter relating to appointment and deployment of institutional administrators not specifically provided for under the guidelines are addressed through consultations with the Director in charge of Staffing.
  - 3.4 In as much as this duty has been delegated, the Director Staffing may still exercise and do the appointment and deployment of institutional administrators as provided by the policy as well as address any appeal against the decision of the Regional Directors.
  - 3.5 Institutional Administrators are selected competitively appointed and remunerated commensurately.
  - 3.6 All serving Institutional Administrators are substantively appointed and placed in institutions that commensurate to their grades;
  - 3.7 Teachers who were converted to Administrative grades as at **1<sup>st</sup> July, 2017** be given the first priority and deployed appropriately as vacancies arise.
-

- 3.8 Notwithstanding any other provision in the policy of appointment and deployment of institutional administrators, the Commission reserves the right to transfer an administrator from one institution to another regardless of the number of years served in the station.
- 3.9 Pursuant to the provisions of section 46 of the TSC Act, teachers have the right to appeal against the decisions made by the panel. Such appeals should be made to the Regional Director in writing and a copy sent to the Commission Secretary not later than fourteen (14) days after the exercise.
- 3.10 The Regional Director shall analyze and address all complaints raised immediately and advise the Commission Secretary.
- 3.11 Upon conclusion of the process and selection of suitable candidates, the County Directors shall:
  - 3.11.1 Issue appointment/deployment letters to successful candidates for primary schools;
  - 3.11.2 Ensure that the Institutional administrators report for duty and handing over/taking over exercise is properly done;
- 3.12 The Regional Director shall issue appointment/deployment letters to all successful candidates for Secondary Schools.

Attached are the appendices for use during the appointment and selection exercise.

## APPENDIX 1:

### IDENTIFICATION, SELECTION AND DEPLOYMENT PROCESS OF INSTITUTIONAL ADMINISTRATORS

- 1.0 The following procedures will apply in the identification, selection and deployment of institutional administrators: -
- 1.1 Establishment of vacancies by the County Directors;
  - 1.2 The TSC HQs shall advertise existing vacancies;
  - 1.3 Interested candidates shall submit applications online;
  - 1.4 The list of shortlisted applicants shall be released to the Regional Directors in accordance with guidelines issued by the Commission;
  - 1.5 The Regional Directors shall conduct interviews for shortlisted applicants in liaison with the County Directors;
  - 1.6 The Regional Directors (in liaison with the County Directors) shall appoint, deploy successful candidates as well as communicate results to the interviewed candidates;
  - 1.7 A merit list and copies of appointment letters will be submitted to the Secretary, Teachers Service Commission;
  - 1.8 The Regional Directors shall be held personally responsible for the process.

**NB/It is the responsibility of the TSC Regional Directors to ensure that the exercise is fair and transparent.**

- 2.0 The following considerations shall be made during the deployment of institutional administrators:
- 2.1 Category of institution
  - 2.2 Size and level of enrolment
  - 2.3 Academic and professional qualifications
  - 2.4 Current grade
  - 2.5 Relevant experience in the teaching service
  - 2.6 Gender balance
  - 2.7 Any other criteria the Commission may deem appropriate
-

## APPENDIX 11: STAFFING LEVELS

The tables' shows number of administrators required per school/institution

Table 1: Deputy Head Teachers and Senior Teachers of Primary Schools as per the Establishment

Stream/s	Classes	Maximum Enrolment	Establishment	Deputy Head Teachers	Senior Teachers
1	8	400	9	1	1
2	16	800	17	1	2
3	24	1200	25	2	2
4	32	1600	33	2	3
5	40	2000	41	2	4
6	48	2400	49	2	4
7	56	2800	57	2	5
8	64	3200	65	2	6
9	72	3600	73	2	7
10	80	4000	81	2	8

### Notes

- Establishment of primary schools is based on a minimum teaching load of 35 lessons per week and a maximum class size of 50 learners.
- The Establishment per school includes the Head teacher, Deputy Head Teacher/s and Senior Teacher/s.
- Where there are two Deputy Head Teachers in a school, one shall be responsible for academics and the other administration.

Table 2: Deputy Principals & Senior Masters of secondary schools as per Curriculum Based Establishment (CBE)

Stream/s	Classes	Maximum Enrolment	CBE	Deputy Principal/s	Senior Master/s
1	4	180	9	1	1
2	8	360	19	1	2
3	12	540	28	1	4
4	16	720	38	1	5
5	20	900	47	1	5
6	24	1080	55	2	6
7	28	1260	63	2	6
8	32	1440	68	2	7
9	36	1620	76	2	7
10	40	1800	85	2	7
11	44	1980	93	2	8
12	48	2160	101	2	9

### Notes

- CBE based on minimum teaching load of 27 lessons per week and maximum class size of 45 students.

- ii. The CBE per school includes the Principal, Deputy Principal/s and Senior Master/s.
- iii. Where there are two Deputy Principals in an institution, one shall be responsible for Academics and the other Administration.

Table 3: Deputy Principals and Senior Masters of Teacher Training Colleges-TTCs(Certificate & Diploma) as per the CBE

Enrolment	Deputy Principal/s	Senior Master/s	Dean of Students	Registrar
Up to 1,000	1	5	1	1
Between 1,001 and 1,500	2	8	1	1
Above 1,500	2	11	1	1

Table 5: Programme Coordinators of Center for Mathematics, Science and Technology in Africa (CEMASTEIA) as per the CBE

S/No	Programme Coordinators
1.	Training Coordinator ICT
2.	Training Coordinator-Special Programmes
3.	Training Coordinator-Secondary
4.	Training Coordinator – Primary
5.	Training Coordinator- Research & Development
6.	Training Coordinator- Partnership & Linkages

Table 4: Positions of Senior Master/s in Kenya Institute of Special Education(KISE) as per the CBE

S/No	Senior Master/s
1.	Disabilities Studies
2.	Research and Educational Resources
3.	Functional Assessment and Guidance and Counseling
4.	Distance learning and CPD Programmes
5.	Quality Assurance and Standards
6.	Teaching Practice Coordinator

### ESTABLISHMENT OF SENIOR TEACHERS/ MASTERS IN PRIMARY, SECONDARY AND TERTIARY INSTITUTIONS

Secondary schools and tertiary institutions shall have Senior Masters to head the following departments

Table 5: Positions of Senior Teachers in Primary Schools

S/No	Senior Teachers
1	Social Studies, Technical & Creative Arts
2	Science and Mathematics
3	Languages

4	Boarding
5	Co-Curricular Activities
6	Guidance and Counseling/Careers
7	Quality Assurance and Standards (QAS)
8	Academic/Mentorship

Table 6: Senior Teachers in Primary Schools with Special Needs

S/No	Senior Teachers
1.	Social Studies, Technical & Creative Arts
2.	Science and Mathematics
3.	Languages
4.	Boarding
5.	Co-Curricular Activities
6.	Guidance and Counseling/Careers
7.	Quality Assurance and Standards (QAS)
8.	Academic/Mentorship

Table 7: Senior Masters -Secondary Schools (this also applies to SNE-Secondary Schools)

S/No	Senior Master
1	Humanities
2	Science and Mathematics
3	Languages
4	Technical & Creative Arts
5	Boarding
6	Co-Curricular Activities
7	Guidance and Counseling/Careers
8	Quality Assurance and Standards (QAS)
9	Academic/Mentorship

Table 8: Senior Masters in TTCs (Certificate and Diploma)

S/NO	SENIOR MASTERS
1.	Education
2.	Sciences and Mathematics
3.	Social Sciences
4.	Languages
5.	Creative Arts
6.	Guidance and Counselling
7.	Co-Curricular Activities
8.	Quality Assurance and Standards (QAS)
9.	Boarding
10.	Teaching Practice
11.	Academic/Mentorship

Table 9: Establishment of Administrative Positions in CEMASTE A

Position	Number	T- Scale
Director	1	T15
Deputy Director	1	T14

Dean of Studies	1	T13
Programme Coordinators	6	T12

Table 9: Establishment of Administrative Positions in KISE

Position	Number	T- Scale
Director	1	T15
Deputy Director	2	T14
Dean	1	T13
Registrar	1	T13
Senior Masters	5	T10 - T12

### APPENDIX III: APPOINTMENT AND DEPLOYMENT GUIDELINES

#### 1.0 Qualifications and experience required of administrators of Post Primary Institutions

In addition to the requirements for appointments in the policy, Institutional Administrators will be appointed based on the criteria outlined in the tables below: -

Table 10: Principals of Secondary Schools

Category	Grade	Experience
Sub County & All Day Schools	Principal T- Scale 13	Served as a Deputy Principal at T-Scale 12 or in an equivalent position for a minimum period of three (3) years
County Schools	Senior Principal T-Scale 14	Served as a Principal at T-Scale 13 or in an equivalent position for a minimum period of three (3) years
National & Extra County Schools	Chief Principal T-Scale 15	Served as a Senior Principal at T-Scale 14 or in an equivalent position for a minimum period of three (3) years

Table 11: Deputy Principals of Secondary Schools

Category	Grade	Experience
Sub County & All Day Schools	Deputy Principal III/IV T- Scale 10/11	Served at T-Scale 9/10 or in an equivalent position for a minimum period of three (3) years
County Schools	Deputy Principal II T-Scale 12	Served as a Deputy Principal at T-Scale 11 or in an equivalent position for a minimum period of three (3) years
National & Extra County Schools	Deputy Principal I T- Scale 13	Served as a Deputy Principal at T-Scale 12 or in an equivalent position for a minimum period of three (3) years

Table 12: Senior Masters of Secondary Schools



Category	Grade	Experience
Sub-County & All Day Schools	Senior Master III/IV T- Scale 10/9	Served as a teacher at T-Scale 9/8 or in an equivalent position for a minimum period of three (3) years
County Schools	Senior Master II T-Scale 11	Served as a Senior Master III at T-Scale 10 or in an equivalent position for a minimum period of three (3) years
National & Extra County Schools	Senior Master I T-Scale 12	Served as a Senior Master II at T-Scale 11 or in an equivalent position for a minimum period of three (3) years

Table 13: Principals of Teacher Training Colleges (Certificate & Diploma)

Category	Enrolment	Grade	Experience
1.	Up to 1000 learners	Principal TTC T-Scale 13	Served as Deputy Principal at T-Scale 12 or in an equivalent position for a minimum period of three (3) years
2.	Between 1001 & 1500 learners	Senior Principal TTC T-Scale 14	Served as Principal at T-Scale 13 or in an equivalent position for a minimum period of three (3) years
3.	Above 1500 learners	Chief Principal TTC T-Scale 15	Served as Principal at T-Scale 14 or in an equivalent position for a minimum period of three (3) years

Table 14: Deputy Principals of Teacher Training Colleges (Certificate & Diploma)

Category	Enrolment	Grade	Experience
1.	Up to 1000 learners	Deputy Principal TTC III T-Scale 11	Served as Senior Master III at T-Scale 10 or in an equivalent position for a minimum period of three (3) years
2.	Between 1001 and 1500 learners	Deputy Principal TTC II T-Scale 12	Served as Deputy Principal III at T-Scale 11 or in an equivalent position for a minimum period of three (3) years
3.	Above 1500 learners	Deputy Principal TTC I T-Scale 13	Served as Deputy Principal II at T-Scale 12 or in an equivalent position for a minimum period of three (3) years

Table 15: Dean/Registrar of Teacher Training Colleges (Certificate & Diploma)

Category	Enrolment	Grade	Experience
1.	Up to 1000 learners	Dean/ Registrar TTC III T-Scale 11	Served as Senior Master III at T-Scale 10 or in an equivalent position for a minimum period of three (3) years
2.	Between 1001 & 1500 learners	Dean/Registrar TTC II T-Scale 12	Served as Dean/Registrar III at T-Scale 11 or in an equivalent position for a minimum period of three (3) years



3.	Above 1500 learners	Dean/Registrar TTC I T-Scale 13	Served as Dean/Registrar II at T-Scale 12 or in an equivalent position for a minimum period of three (3) years
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Table 16: Senior Masters of Teacher Training Colleges (Certificate & Diploma)

Category	Enrolment	Grade	Experience
1.	Up to 1000 learners	Senior Master TTC III T-Scale 10	Served as Senior Lecturer IV at T-Scale 9 or in an equivalent position for a minimum period of three (3) years
2.	Between 1001 and 1500 learners	Senior Master TTC II T-Scale 11	Served as Senior Master III at T-Scale 10 or in an equivalent position for a minimum period of three (3) years
3.	Above 1500 learners	Senior Master TTC I T-Scale 12	Served as Senior Master II at T-Scale 11 or in an equivalent position for a minimum period of three (3) years

Table 17: Establishment and requirement for appointment of administrators in CEMASTE A

Position	Number	Grade	Experience
Director	1	T- Scale 15	Must have served as Deputy Director at T-Scale 14 or in an equivalent position for a minimum period of three (3) years.
Deputy Director	1	T- Scale 14	Must have served as a Dean of studies at T-Scale 13 or in an equivalent position for a minimum period of three (3) years.
Dean of Studies	1	T- Scale 13	Must have served as a National/International Coordinator T-Scale 12 for a minimum period of three (3) years.
Programme Coordinators	6	T-Scale 12	Must have served as a Senior National Trainer T-Scale 11 for a minimum period of three (3) years.

Table 18: Establishment and requirements for appointment of administrators-KISE

Position	Number	Grade	Experience
Director	1	T- Scale 15	Must have served as a Deputy Director at T-Scale 14 or in an equivalent position for a minimum period of three (3) years.
Deputy Director	2	T- Scale 14	Must have served as a Academic Registrar at T-Scale 13 or in an equivalent position for a minimum period of three (3) years..
Academic Registrar	1	T- Scale 13	Must have served either as a Senior Master I at T-Scale 12 or in an equivalent position for a minimum period of three (3) years.

Senior Masters	5	T-Scale 12	Must have served as Senior Master II T-Scale 11 or in an equivalent position for a minimum period of three (3) years.
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### 1.1 Qualifications and experience required of administrators in primary institutions

In addition to the requirements for appointment in the policy, administrators in Primary institutions will be appointed based on the criteria outlined in the tables below:

Table 19: Head Teacher

Category	Enrolment	Grade	Experience
1.	Up to 1000 learners	Head Teacher T-Scale 10	Served as a Deputy Head Teacher II T-Scale 9 for a minimum period of three (3) years
2.	Above 1000 learners	Senior Head Teacher T-Scale 11	Served as a Head Teacher at T-Scale 10 or in an equivalent position for a minimum period of three (3) years.

Table 20: Deputy Head Teacher

Category	Enrolment	Grade	Experience
1.	Up to 1000 learners	Deputy Head Teacher II T-Scale 9	Served as a Senior Teacher I at T-Scale 8 for minimum period of three (3) years
2.	Above 1000 learners	Deputy Head Teacher I T-Scale 10	Served as Deputy Head Teacher II T-Scale 9 for a minimum period of three (3) years

Table 21: Senior Teacher

Category	Enrolment	Grade	Experience
1.	Up to 1000 learners	Senior Teacher II T-Scale 7	Served Primary Teacher I T-Scale 6 for a minimum period of three (3) years
2.	Above 1000 learners	Senior Teacher I T-Scale 8	Served as Senior Teacher II T-Scale 7 for a minimum period of three (3) years

## APPENDIX IV: TEACHERS GRADING STRUCTURE

Table 22: Teachers designations and related grades.

Institution	Category	Designation Title	JE Grades	T-Scales
Primary	Primary Teacher	Primary Teacher II	B5	5
		Primary Teacher I	C1	6
	Senior Teacher	Senior Teacher II	C2	7
		Senior Teacher I	C3	8
	Deputy Head	Deputy Headteacher	C4	9

	teacher	II		
		Deputy Headteacher I	C5	10
	Head teacher	Headteacher	C5	10
		Senior Headteacher	D1	11
Secondary	Secondary Teacher	Secondary Teacher III	C1	6
		Secondary Teacher II	C2	7
		Secondary Teacher I	C3	8
	Senior Master	Senior Master IV	C4	9
		Senior Master III	C5	10
		Senior Master II	D1	11
		Senior Master I	D2	12
	Deputy Principal	Deputy Principal IV	C5	10
		Deputy Principal III	D1	11
		Deputy Principal II	D2	12
		Deputy Principal I	D3	13
	Principal	Principal	D3	13
		Senior Principal	D4	14
		Chief Principal	D5	15
	Tertiary	Lecturer	Lecturer III	C1
Lecturer II			C2	7
Lecturer I			C3	8
Senior Lecturer		Senior Lecturer IV	C4	9
		Senior Lecturer III	C5	10
		Senior Lecturer II	D1	11
		Senior Lecturer I	D2	12
Deputy Principal		Deputy Principal IV	C5	10
		Deputy Principal III	D1	11
		Deputy Principal II	D2	12
		Deputy Principal I	D3	13
Principal		Principal	D3	13
		Senior Principal	D4	14
		Chief Principal	D5	15

#### APPENDIX IV: REGIONAL SELECTION PANEL

The selection panel should consist of the following members:

- |                         |               |
|-------------------------|---------------|
| a) Regional Director    | - Chairperson |
| b) Host County Director | - Secretary   |

- c) All County Directors - Members
- d) Host CHRO -Member

**Nairobi City County**

- a) Regional Director - Chairperson
- b) Deputy Director - Secretary
- c) All Sub County Directors - Members
- d) CHRO - Member

**APPENDIX IV: COUNTY SELECTION PANEL**

The selection panel should consist of the following members:

- a) County Director -Chairperson
- b) Host Sub - County Director -Secretary
- c) All Sub - County Directors -Members
- d) County HRO -Member

**N/B**

For Nairobi County, the selection panel shall be chaired by the Regional Director both for secondary and primary schools administrators.



**TEACHERS SERVICE COMMISSION**



**IMPLEMENTATION STATUS OF HOUSE RESOLUTIONS ON THE  
PETITION REGARDING NON-PAYMENT OF HARDSHIP ALLOWANCE  
TO TEACHERS IN TAITA TAVETA COUNTY BY HON. DANSON  
MWASHAKO, MP MEMBER FOR WUNDANYI CONSTITUENCY**

**Presented to the**

**COMMITTEE ON IMPLEMENTATION OF HOUSE RESOLUTIONS**

**By**

**DR. NANCY NJERI MACHARIA, CBS  
SECRETARY/CHIEF EXECUTIVE OFFICER**

## **BACKGROUND**

1. The Teachers Service Commission through its Secretary/Chief Executive appeared before the Parliamentary Committee on Education and Research on **16<sup>th</sup> September, 2019** and presented a comprehensive response to the Petition filed before the House by the Honourable Member for **Samburu North**.
2. On **16<sup>th</sup> December, 2019**, the Commission received the Recommendations of the House regarding the above referred Petition. In submitting the status report herein, it is important that I highlight the legal framework within which the TSC undertakes its functions.
3. The Teachers Service Commission is established under Article 237 (1) of the Constitution with its primary functions set out in Article 237 (2) to:-
  - a) register trained teachers;
  - b) recruit and employ registered teachers;
  - c) assign teachers for service in any public school or institution;
  - d) promote and transfer teachers;
  - e) exercise disciplinary control over teachers;
  - f) terminate the employment of teachers engaged in public service.
4. Under Article 237 (3) of the Constitution, the Commission is further mandated to:-
  - a) review the standards of education and training of persons entering the teaching service;
  - b) review the national demand for, and the supply of teachers; and
  - c) advise the National Government on matters relating to the teaching profession.
5. Further, the Commission also draws powers necessary for the execution of its constitutional functions from the TSC Act. Section 11 of the Act mandates the Commission to:-
  - a) Formulate policies to achieve its mandate;
  - b) Provide strategic leadership and direction;
  - c) Prescribe teaching standards and ensure compliance;

- d) Manage the Teachers payroll;
- e) Facilitate career progression & professional development;
- f) Monitor the Conduct and Performance.

6. Section 47 and 48 of the Act empowers the Commission to publish a Code of Regulations and Code of Conduct for Teachers to assist the Commission in regulating the teaching service. In this regard, the Commission published the two codes which came into effect on 1<sup>st</sup> July 2016.

7. Every clause in the Code of Regulations for Teachers (COR) was discussed, negotiated and agreed upon by all stakeholders in the Education sector. The Code was also extensively interrogated by the Committee on Delegated Legislation and was formally adopted by the National Assembly.

8. Following the negotiations undertaken within the bipartite framework provided under the Labour Relations Act a **Collective Bargaining Agreement for 2017-2021 (CBA)** between the Commission and the teacher unions was signed. Parties mutually agreed that the COR will be an integral part of the CBA. The COR therefore is at the center of the employment contract existing between the Commission and its teachers.

9. The Commission has carefully considered the Recommendations of the House and is of the considered view that majority of the recommendations ought to be directed to the Ministry of Public service, Youth and Gender Affairs which is spearheading the processes related to hardship allowance. However since the Commission was part of the intergovernmental Agencies on the issue of hardship allowance for teachers and civil servants, we hereby provides the Implementation Status as follows:-



**RECOMMENDATION NUMBER 1.**

**That the Teachers Service Commission and the intergovernmental Agencies constituted by the Ministry of Public service, Youth and Gender Affairs reviewing the hardship areas should, based on the ongoing study align the administrative boundaries in accordance with County, constituency and ward boundaries to resolve the disparities of designation of hardship areas.**

10. The review of Hardship areas in Kenya and the proposal to align the same with the County, Constituency and Ward boundaries is an enormous exercise that requires the intergovernmental Agencies to visit all Counties in Kenya and prepare a comprehensive report for consideration by the executive.
11. The same also requires sufficient budget to cater for operational costs. Due to budgetary constraints, the intergovernmental Agencies the Committee has proposed to undertake the exercise in the financial year 2020/2021

**RECOMMENDATION NUMBER 2.**

**That the intergovernmental Agencies mandated to designate areas as hardship led by the Salaries and Remuneration Commission, the National Treasury, and Ministry of Public service, Youth and Gender Affairs should visit Taita Taveta County within 2 weeks from the date of tabling this Report to study the factors considered for an area to be categorized as hardship area with a view to address discrepancies in designation of hardship areas in the County and report to the National Assembly within two months.**

12. Following the recommendations of the House, a sub Committee of the Inter-Agency Committee comprising of officers from State Department for Public Service, Ministry of Interior and Coordination of National Government, Teachers Service Commission and Kenya National Bureau of Statistics visited Taita Taveta County from 2<sup>nd</sup> to 4<sup>th</sup> December, 2019 to ascertain the actual

condition of the specified areas where the Kungu Primary School and Elijah Mzae Secondary School both in Mwatate constituency are located.

13. On the part of the Commission the issue under consideration was payment of Hardship Allowance to the teachers serving at Kungu Primary School and Elijah Mzae Secondary School both in Mwatate constituency.
14. The Report should be obtained from the Ministry of Public service, Youth and Gender Affairs

**RECOMMENDATION NUMBER 3:**

***The Intergovernmental agencies should conduct a countrywide review of all counties at the sub locational level to resolve the current discrepancies in designation and payment of hardship allowance to teachers and public servants.***

15. Such an exercise requires sufficient budget to cater for operational costs. Due to budgetary constraints, the intergovernmental Agencies the Committee has proposed to undertake the exercise in the financial year 2020/2021

**RECOMMENDATION NUMBER 4:**

***The Intergovernmental agencies should develop a clear criteria on factors and threshold required for an area to be designated as a hardship area.***

16. The criteria will be developed when the entire exercise is finalized by the Intergovernmental agencies.

\*\*\*\*\*END\*\*\*\*\*



**TEACHERS SERVICE COMMISSION**



**IMPLEMENTATION STATUS OF HOUSE RESOLUTIONS ON THE  
PETITION REGARDING ALLEGED FAILURE BY TSC TO PROMOTE  
TEACHERS IN SAMBURU COUNTY AND ITS ENVIRONS BY  
HON. ALOIS LENTOIMAGA, MP MEMBER FOR SAMBURU NORTH  
CONSTITUENCY**

Presented to the

**COMMITTEE ON IMPLEMENTATION OF HOUSE RESOLUTIONS**

by

**DR. NANCY NJERI MACHARIA, CBS  
SECRETARY/CHIEF EXECUTIVE OFFICER**

## **BACKGROUND**

1. The Teachers Service Commission through its Secretary/Chief Executive appeared before the Parliamentary Committee on Education and Research on **16<sup>th</sup> September, 2019** and presented a comprehensive response to the Petition filed before the House by the Honourable Member for **Samburu North**.
  
2. On **16<sup>th</sup> December, 2019**, the Commission received the Recommendations of the House regarding the above referred Petition. In submitting the status report herein, it is important that I highlight the legal framework within which the TSC undertakes its functions.
  
3. The Teachers Service Commission is established under Article 237 (1) of the Constitution with its primary functions set out in Article 237 (2) to:-
  - a) register trained teachers;
  - b) recruit and employ registered teachers;
  - c) assign teachers for service in any public school or institution;
  - d) promote and transfer teachers;
  - e) exercise disciplinary control over teachers;
  - f) terminate the employment of teachers engaged in public service.
  
4. Under Article 237 (3) of the Constitution, the Commission is further mandated to:-
  - a) review the standards of education and training of persons entering the teaching service;
  - b) review the national demand for, and the supply of teachers; and
  - c) advise the National Government on matters relating to the teaching profession.
  
5. Further, the Commission also draws powers necessary for the execution of its constitutional functions from the TSC Act. Section 11 of the Act mandates the Commission to:-
  - a) Formulate policies to achieve its mandate;
  - b) Provide strategic leadership and direction;

- c) Prescribe teaching standards and ensure compliance;
  - d) Manage the Teachers payroll;
  - e) Facilitate career progression & professional development;
  - f) Monitor the Conduct and Performance.
6. Section 47 and 48 of the Act empowers the Commission to publish a Code of Regulations and Code of Conduct for Teachers to assist the Commission in regulating the teaching service. In this regard, the Commission published the two codes which came into effect on 1<sup>st</sup> July 2016.
7. Every clause in the Code of Regulations for Teachers (COR) was discussed, negotiated and agreed upon by all stakeholders in the Education sector. The Code was also extensively interrogated by the Committee on Delegated Legislation and was formally adopted by the National Assembly.
8. Following the negotiations undertaken within the bipartite framework provided under the Labour Relations Act a **Collective Bargaining Agreement for 2017-2021 (CBA)** between the Commission and the teacher unions was signed. Parties mutually agreed that the COR will be an integral part of the CBA. The COR therefore is at the center of the employment contract existing between the Commission and its teachers.
9. The Commission has carefully considered the Recommendations of the House and hereby provides the Implementation Status Report as follows: -

**RECOMMENDATION NUMBER 1.**

***In promoting and/or appointing teachers to administrative positions, the Teachers Service Commission should adhere to the constitutional principles of fair competition, merit, integrity, transparency and impartiality, the relevant laws such as Teachers Service Commission Act, No 20 of 2012, the Code of Regulation for Teachers, the Code of Regulations for Teachers, policies on promotion of teachers to ensure equity and fairness.***

10. The Teachers Service Commission being a Constitutional body is bound by the provisions of **Article 232** of the Constitution that provides for the values and principles of public service. In discharging its mandate in promotion of teachers, the Commission has endeavored to apply the principle of fair competition and merit as the basis of appointment and promotion.
11. Accordingly, all promotion vacancies are filled competitively with the objective to promote national values, fairness, non-discrimination and equity. The competitive nature of teachers' promotion is demonstrated through: -
  - a) Advertisement of the vacant positions through print and electronic media;
  - b) Transparent shortlisting of candidates;
  - c) Oral Interviews and preparation of Merit list;
  - d) Selection and Appointment based on available vacancies.
12. The Commission pegs promotion of teachers on its Career Progression Guidelines subject to available vacancies and budgetary provisions, performance amongst other criteria.
13. The promotions are guided by the constitutional principles of fair competition and merit, integrity, transparency and accountability, equity, fairness and impartiality, inclusiveness and non-discrimination, affirmative action, gender equity and regional balance.

**RECOMMENDATION NUMBER 2.**

***In addition, the Commission should continue to apply the Principles of regional balance and affirmative action and customize selection criteria to facilitate career progression and professional development of teachers from ASAL and other marginalized areas.***

14. The Commission has incorporated the constitutional principle of Affirmative Action in its Policies and Practices.



The Commission appreciates the fact that some schools are located in arid and semi-arid areas (ASAL) and hard to staff areas. Accordingly, and notwithstanding the guidelines, the Commission applies affirmative action in the promotion of institutional administrators in such areas.

15. To this end, the Commission has taken deliberate steps to ensure that ASAL areas are not disadvantaged in the appointment and promotion of teachers to various grades and positions.

**RECOMMENDATION NUMBER 3:**

**The Commission should conduct an audit on promotion and appointment of teachers in Samburu County and other ASAL areas alongside the ongoing situational analysis on the staffing norms in the ASAL areas with a view to establishing whether there are teachers who have overstayed in the same Job Group or in acting positions inordinately and take corrective measures.**

16. That following the Affirmative action initiated by the Commission in June 2017, a number of teachers in ASAL areas and other hard to staff areas have been promoted and appointed to various administrative posts based on the affirmative action principle.
17. The Commission undertook situational analysis of the staffing situation in all ASAL areas. This was intended to enable the Commission to customize its selection criteria when vacancies are advertised to take care of the teachers in ASAL areas.
18. Pursuant to the situational analysis conducted by the Commission and the recommendations of the House, the Commission advertised various vacancies targeted for ASAL areas. All teachers who have stagnated in one job Group were instructed to apply.



19. Interview and Selection of the Applicants was scheduled for **March 2020** but was postponed due to the covid-19 pandemic. The same will be concluded once normalcy returns. **A copy of the Advert is Annexed as Appendix 1**
20. The Commission assures the house that it will not hesitate to invoke the constitutional principles of affirmative action, equity, regional balance and fairness during selection, appointment and promotion of teachers as it has always done in the past.

**RECOMMENDATION NUMBER 4:**

21. **The Commission should decentralize its function of promotion of Teachers to the Commissions County offices as much as possible to enhance transparency and equity in the process.**
22. Pursuant to section 20 of the TSC Act and in view of the Commission's strategic pillar on re-engineering of its processes, the Commission on 18<sup>th</sup> February, 2020 directed that the Appointment and Deployment Institutional Administrators be decentralized to be undertaken at the regional and county levels.
23. Decentralization of this function is in tandem with the provisions of Article 6 of the Constitution and will bring services closer to teachers. **A copy of the Circular dated 18/2/2020 annexed as Appendix 2**

**RECOMMENDATION NUMBER 5:**

**The Commission should include in its policy document clear guidelines promotion of teachers who pursue higher education and attain higher academic qualification**

24. The Teachers Service Commission (TSC) in consultation with the Salaries and Remuneration Commission (SRC) conducted Job Evaluation (JE) for the Teaching service in the year 2015/2016. Based on the findings of the Job Evaluation, SRC submitted recommendations on a new grading structure and remuneration of teachers.

25. The main objective of the JE was to determine the relative worth of jobs within the teaching service with a view to linking remuneration and benefits to responsibility assigned to a teacher. Some of the parameters used during the evaluation included Job content; related duties; minimum qualifications needed to perform the job; the decision making level of each job etc.
26. The implementation of the CBA and the Job evaluation marked a significant paradigm shift in the remuneration of teachers. It introduced responsibility based grading and remuneration structure replacing the old qualification based system.
27. Following the Job Evaluation Report, TSC signed a Collective Bargaining Agreement (CBA) on the 25<sup>th</sup> and 26<sup>th</sup> October 2016 with the Teachers' unions namely Kenya National Union of Teachers (KNUT) and Kenya Union of Post Primary Education Teachers (KUPPET). The CBAs were registered in the Labour relations Court on 30<sup>th</sup> November, 2016.
28. Even with the introduction of responsibility based grading system, the Commission has clearly provided in the Career progression guidelines (CPG) and the Policy of Appointment of Institutional Administrators the requisite academic and professional requirements for each job.

**RECOMMENDATION NUMBER 6:**

***The Commission should issue letters of Promotion to teachers who were promoted to the new salary grades with effect from 1/7/2017 following the signing of the CBA***

29. In compliance with the above recommendation, all institutional administrators have been issued with the requisite appointment letters.

\*\*\*\*\*END\*\*\*\*\*

# TEACHERS SERVICE COMMISSION



## APPX. I

### VACANCIES

Teachers Service Commission is a Constitutional Commission established under Article 237 of the Constitution. It is mandated to, among other things, appoint and deploy institutional administrators.

Pursuant to this mandate, the Commission invites applications from suitably qualified teachers for the posts shown below. **These are promotional posts.**

#### I. VACANCIES FOR PRINCIPAL, HEAD TEACHER AND DEPUTY HEAD TEACHER II SERVING UNDER THE CAREER PROGRESSION GUIDELINES FOR TEACHERS (RE-ADVERTISEMENT)

S/NO.	ADVERT NO.	VACANCIES	T-SCALE	POSTS
1.	13/2019	Principal (D3)	13	369
2.	14/2019	Headteacher (C5)	10	451
3.	15/2019	Deputy Headteacher II (C4)	9	2,364

#### II. VACANCIES FOR SECONDARY TEACHER I & II, SENIOR MASTER, DEPUTY PRINCIPAL, PRIMARY TEACHER I, SENIOR TEACHER I, DEPUTY HEAD TEACHER AND HEAD TEACHER FOR TEACHERS SERVING UNDER CAREER PROGRESSION GUIDELINES IN ASAL AREA:

S/NO.	ADVERT NO.	VACANCIES	T-SCALE	POSTS
1.	16/2019	Deputy principal II (D2)	12	25
2.	17/2019	Senior Master II/Deputy Principal III (D1)	11	17
3.	18/2019	Senior Master IV (C4)	9	55
4.	19/2019	Secondary Teacher I (C3)	8	8
5.	20/2019	Deputy Principal II (D2)	12	10
6.	21/2019	Senior Master II/Deputy Principal III (D1)	11	15
7.	22/2019	Senior Master III (C5)	10	8
8.	23/2019	Senior Master IV (C4)	9	225
9.	24/2019	Secondary Teacher I (C3)	8	41
10.	25/2019	Secondary Teacher II (C2)	7	8
11.	26/2019	Deputy Headteacher I/Headteacher (C5)	10	119
12.	27/2019	Deputy Headteacher II (C4)	9	19
13.	28/2019	Senior Teacher I (C3)	8	10
14.	29/2019	Senior Teacher II (C2)	7	8
15.	30/2019	Primary Teacher I (C1)	6	57
16.	31/2019	Deputy Headteacher II (C4)	9	26
17.	32/2019	Senior Teacher I (C3)	8	59
18.	33/2019	Senior Teacher II (C2)	7	35
19.	34/2019	Primary Teacher I (C1)	6	185

#### III. VACANCIES FOR SECONDARY TEACHER I [(C3/ T-SCALE 8)] FOR TEACHERS SERVING UNDER CAREER PROGRESSION GUIDELINES FOR TEACHERS

S/NO.	ADVERT NO.	VACANCIES	T-SCALE	POSTS
1.	35/2019	Secondary Teacher I (C3)	8	100

Shortlisted Candidates shall be required to present the following statutory documents during interviews:

- Certificate of Good Conduct from Director of Criminal Investigations.
- Clearance Certificate by Higher Education Loans Board (HELB).
- Clearance Application from Ethics and Anti-Corruption Commission (EACC).
- Clearance Certificate from a Credit Reference Bureau.
- Tax Compliance Certificate from Kenya Revenue Authority (KRA)

TSC is an equal opportunity Employer, Persons with Disabilities are encouraged to apply.

For details on the Job Descriptions and Requirements for Appointment, interested candidates, who meet the required qualifications, should submit their applications online through the TSC Portal [www.teachersonline.go.ke](http://www.teachersonline.go.ke) so as to be received on or before **17<sup>th</sup> January, 2020.**

**NOTE:** Applicants are advised to give accurate information while making their applications. Those who give false information regarding their credentials and qualifications will be automatically disqualified.

SECRETARY/CHIEF EXECUTIVE