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REPUBLIC OF KENYA

PARLIAMENT

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SENATE BILLS

*(Bill No. 5 of 2022)*

**THE PARLIAMENTARY POWERS AND  
PRIVILEGES (AMENDMENT) BILL, 2022**

(A Bill published in the Kenya *Gazette* Supplement No. 176 of 8<sup>th</sup> November, 2022 and passed by the Senate, with amendments, on 13<sup>th</sup> June, 2023.)



**THE PARLIAMENTARY POWERS AND PRIVILEGES  
(AMENDMENT) BILL, 2022**

**A Bill for**

**AN ACT of Parliament to amend the Parliamentary Powers and Privileges Act to provide a structured mechanism through which Parliament is able to receive reports from public officers on the resolutions passed by Parliament; and for connected purposes.**

**ENACTED** by the Parliament of Kenya, as follows—

Short title.

1. This Act may be cited as the Parliamentary Powers and Privileges (Amendment) Act, 2022.

Amendment of  
section 7 of No. 29  
of 2017.

2. The Parliamentary Powers and Privileges Act, hereinafter referred to as the principal Act is amended by deleting section 7 and substituting therefor the following new section—

Service of civil  
processes.

7 (1) No process issued by any court in the exercise of its civil jurisdiction shall be served or executed—

- (a) within the precincts of Parliament while a House of Parliament is sitting;
- (b) through the Speaker or any member of staff—
  - (i) unless it relates to the attachment of a Member's salary; or
  - (ii) if the subject matter relates to a Member exercising their personal duty.

(2) Subsection (1)(a) shall not apply to service made to a member of staff of Parliament authorised to receive service on behalf of—

- (a) either House of Parliament; or
- (b) the Parliamentary Service Commission.

(3) The right of access to justice under Article 48 of the Constitution shall be limited as

specified under this section for the purposes of facilitating the conduct of business and the affairs of Parliament.

Deletion of section 11 of No. 29 of 2017.

3. The principal Act is amended by deleting section 11.

Amendment of section 16 of No. 29 of 2017.

4. Section 16 of the principal Act is amended in paragraph (d) by deleting the expression “38” appearing immediately after the words “under section” and substituting therefor the expression “37”.

Insertion of new Part to No. 29 of 2017.

5. The principal Act is amended by inserting the following new Part immediately after Part VI—

**PART VIA – REPORTS ON ACTION TAKEN ON PARLIAMENTARY RESOLUTIONS**

Interpretation

**23A.** In this Part, “responsible officer” means –

- (a) a Cabinet Secretary;
- (b) a county governor;
- (c) the chairperson of a commission established under the Constitution;
- (d) the Auditor-General;
- (e) the Controller of Budget;
- (f) the chairperson and the accounting officer of a corporate body; and
- (g) a public officer to whom a resolution or report of a House or a Committee of Parliament is submitted in accordance with this Act.

Reports on Parliamentary Resolutions.

**23B.** (1) The Clerk of the relevant House shall, within seven days of a resolution of the House or of the tabling of a report of a Committee of the House, convey the resolution or a copy of the report, as the case may be, to the responsible officer under whose portfolio the implementation of the resolution or recommendation of the Committee falls.

(2) The responsible officer shall submit a

status report to the relevant Committee within sixty days from the date the resolution is conveyed or within such period as shall be specified by a resolution of the House.

(3) A report under subsection (2) shall contain information on—

(a) the action taken to give effect to the resolution or recommendation of a report submitted under subsection (1); and

(b) where no action has been taken on a resolution or recommendation of a report, the reason for such inaction.

(4) The relevant Committee may, upon the written request of the responsible officer, extend the period for submission of a report under subsection (2) by such days and on such conditions as the Committee may consider necessary.

Penalty for failure to report to Parliament.

**23C.** (1) A responsible officer who fails to comply with section 23B commits an offence and is liable, on conviction, to a fine not exceeding five hundred thousand shillings or to imprisonment for a term not exceeding six months or to both.

(2) A person liable for an offence under subsection (1) shall be personally liable for the fine and public funds shall not be used to pay such a fine.

Consolidated report.

**23D.** Where a response is sought on the implementation of more than one resolution of a House of Parliament, the relevant Speaker may direct that the responsible officer submits a single report on the status of implementation of all the resolutions.

Provision not to limit discretion of Parliament.

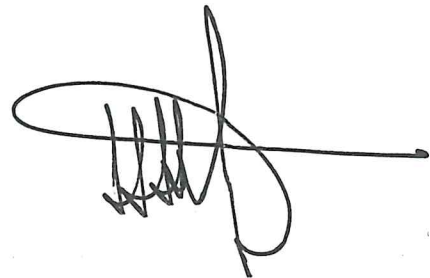
**23E.** This Part does not limit the power of Parliament to require information from any public officer in accordance with the Constitution or any other law.

I certify that this printed impression is a true copy of the Bill as passed by the Senate on 13<sup>th</sup> June, 2023.



*Clerk of the Senate*

Endorsed for presentation to the National Assembly in accordance with the provisions of standing order 161 of the Senate Standing Orders.



*Speaker of the Senate*

