

SPECIAL ISSUE

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REPUBLIC OF KENYA

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NATIONAL ASSEMBLY BILLS, 2023

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**THE NATIONAL GOVERNMENT CO-
ORDINATION (AMENDMENT) BILL, 2023**

A Bill for

AN ACT of Parliament to amend the National Government Co-ordination Act

ENACTED by the Parliament of Kenya, as follows—

1. This Act may be cited as the National Government Co-ordination (Amendment) Act, 2023.

Short title.

2. Section 14 of the National Government Co-ordination Act (in this Act referred to as the “principal Act”) is amended—

Amendment of section 14 of No. 1 of 2013.

(a) in subsection (4) by deleting the words “and sub-locations” appearing immediately after the word “locations” and substituting therefor the words “sub-locations and village units”

(b) by inserting the following new subsection immediately after subsection (3)—

“(3A) For purposes of subsection 3, the national government shall in respect of every village unit —

(a) establish village councils headed by a village administrator;

(b) appoint such village elders to the village council as may be necessary for purposes of co-ordination of national government functions.

(3B) The national government shall ensure that the establishment of the village councils and appointment of the village elders under subsection 3A, accords with the requirements set out for establishment of village councils and appointment and village elders that are set out under section 53 of the County Governments Act.”

No. 17 of 2012.

3. Section 15 of the principal Act is amended in subsection 2 by inserting the following new paragraph immediately after paragraph (e) —

Amendment of section 15 of No. 1 of 2013.

(ea) a village administrator in respect of each village unit;

4. Section 18 of the principal Act is amended by—

Amendment of
section 18 of No.
1 of 2013.

(a) renumbering the existing provision as subsection (1);

(b) inserting the following new subsection immediately after the renumbered subsection (1)

—

(2) The village elders appointed under section 14 shall be paid such allowances as may be determined by the Public Service Commission.

MEMORANDUM OF OBJECTS AND REASONS

The principal object of this Bill is to recognize village elders who perform national government functions in village units. In accordance with section 14(3) of the National Government Coordination Act, national government service delivery coordination units should mirror the decentralized units established under section 48 of the County Governments Act. It is notable that village units are part of those decentralized units envisaged under section 48 but these units are not recognized under the National Government Coordination Act.

Further, the National Government Coordination Act recognizes county commissioners, their deputies and assistants as well as chiefs and sub-chiefs, but it does not recognize village administrators and village elders who are the administrative officers in charge of the village units and who perform key national government roles within the village units and thus deserve recognition and compensation. In pursuance of section 14(3), the Bill thus seeks to take cognizance of existing village units and provide for establishment of village councils and appointment of village elders as well as payment of allowances.

It is proposed that the village units have village councils headed by a village administrator working with village elders, a structure akin to that set out under section 53 of the County Governments Act.

Statement on the delegation of legislative powers and limitation of fundamental rights and freedoms

The Bill does not delegate legislative powers and it does not limit rights and fundamental freedoms in the Bill of Rights.

Statement that the Bill does not concern County Governments

The Bill does not concern County Governments in terms of Article 110 (1) (a) of the Constitution and it does not affect the functions and powers of County Governments recognized in the Fourth Schedule to the Constitution.

Statement that the Bill is a money Bill within the meaning of Article 114 of the Constitution

The enactment of this Bill may occasion additional expenditure of public funds.

Dated the 5th June, 2023.

MOSES MALULU INJENDI,
Member of Parliament.

Section 14 of No.1 of 2013 which it is proposed to amend—

14. Service delivery co-ordination units

(1) The Cabinet Secretary may, with the approval of the President and by a notice in the Gazette, establish national government service delivery co-ordination units.

(2) In establishing the national government service delivery co-ordination units, the Cabinet Secretary shall accord and respect the county government decentralised units established under section 48 of the County Government Act, 2012 (No. 17 of 2012).

(3) Where a county government has not decentralised its units pursuant to section 48(1)(e) of the County Government Act, 2012, the national government may, where necessary, establish its own service delivery co-ordination units for purposes of co-ordination of national government functions.

(4) For purposes of this section, the locations and sub-locations in existence immediately before the commencement of this Act shall continue to exist as national government service delivery units.

(5) The national government service delivery co-ordination units established under this section shall be headed

Section 15 of No.1 of 2013 which it is proposed to amend—

15. Recruitment and appointment of the national government administrative officers

(1) In accordance with the national government functions under the Constitution, this Act or any other written law, the Public Service Commission shall, in consultation with the Cabinet Secretary, recruit and appoint national government administrative officers to co-ordinate national government functions and to perform such other functions as may be assigned to them under this Act or any other law.

(2) Pursuant to subsection (1), the Public Service Commission shall appoint—

- (a) a county commissioner in respect of every county;
- (b) a deputy county commissioner in respect of every sub-county;
- (c) an assistant county commissioner in respect of every ward;
- (d) a chief in respect of every location;
- (e) an assistant chief in respect of every sub-location; and

- (f) any other national government administrative officer in respect of a service delivery unit established under section 14.

Section 18 of No.1 of 2013 which it is proposed to amend—

18. Scheme of service for administrative officers

The Cabinet Secretary shall, on the recommendation of the Public Service Commission, prescribe a scheme of service for national government administrative officers.