



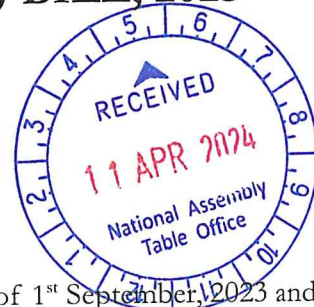
REPUBLIC OF KENYA

PARLIAMENT

SENATE BILLS

(Bill No. 37 of 2023)

**THE PARLIAMENTARY POWERS AND
PRIVILEGES (AMENDMENT) BILL, 2023**



(A Bill published in the Kenya *Gazette* Supplement No. 157 of 1st September, 2023 and passed by the Senate, with amendments, on 21st March, 2024.)

**THE PARLIAMENTARY POWERS AND PRIVILEGES
(AMENDMENT) BILL, 2023**

A Bill for

AN ACT of Parliament to amend the Parliamentary Powers and Privileges Act to give effect to Article 125 of the Constitution by operationalizing the powers of arrest by Parliament and Article 50 of the Constitution on the right to a fair hearing and 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, 2023.

Amendment of
section 2 of
No.29 of 2017.

2. Section 2 of the Parliamentary Powers and Privileges Act, in this Act referred to as the “principal Act”, is amended by inserting the following new definitions in their proper alphabetical order —

Act No. 11 of
2011.

“Inspector-General” means the holder of the office of the Inspector-General appointed in accordance with Article 245(2)(a) of the Constitution and the National Police Service Act;

“police officer” has the same meaning assigned to it under section 2 of the National Police Service Act.

Amendment of
section 18 of
No.29 of 2017.

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

(a) inserting the following new subsections immediately after subsection (2) —

(2A) The Clerk shall cause the summons to be served within seven days of receipt of a directive under subsection (2).

(b) inserting the following new subsections immediately after subsection (5) —

(5A) The person summoned shall be required to appear on the date specified in the summons, but not earlier than fourteen days from the date of receipt of summons.

(5B) Despite subsection (5A) the relevant House or its committee may require a person to appear before it within a shorter period of time as it may determine taking into account the urgency of the matter before the House or Committee.

Amendment of
section 19 of
No.29 of 2017.

4. Section 19 of the principal Act is amended –

(a) in subsection (1) by deleting the words "five hundred thousand" appearing immediately after the words "fine not exceeding" and substituting therefore the words "two million";

(b) by inserting the following new subsection immediately after subsection (1) –

(1A) A witness shall be given an opportunity to be heard prior to imposition of the fine.

(c) by inserting the following new subsection immediately after subsection (2) –

(2A) The fine imposed in subsection (1) shall be a civil debt recoverable summarily in accordance with the Debts (Summary Recovery) Act.

(d) deleting subsection (3) and substituting therefor the following new subsection

(3) Parliament or its committee may order the arrest of a person who fails to honour a summons for purposes of –

(a) enforcing appearance before the House or relevant committee; or

(b) prosecution.

(e) by inserting the following new subsections immediately after subsection (3) –

(4) The Clerk shall transmit the order of arrest to the Inspector-General for execution in accordance with the National Police Service Act.

(5) If the Inspector-General fails, without sufficient cause, to effect an order of arrest within seven days from the date of receipt of the order, the order may be effected by an officer of the respective House of Parliament as shall be directed by that House or Committee.

(6) Where an order of arrest is to be effected by an officer of a House of Parliament, the Inspector-General shall, where requested by Parliament, assist the officer of the House in the conduct of the arrest.

(7) A person arrested pursuant to an order of arrest under subsection (5) shall –

(a) be held at –

(i) Parliament Police Station; or

(ii) any other police station gazetted under section 40 of the National Police Service Act, in the case of a person arrested outside Nairobi City County or its environs; and

(b) be produced before court, or the House or Committee that summoned him on the next working day.

Amendment of section 27 of No.29 of 2017.

5. Section 27 of the principal Act is amended in subsection (2) by deleting the words “two hundred thousand” appearing immediately after the words “fine not exceeding” and substituting therefor the words “two million”.

Insertion of new section 32A in No. 29 of 2017.

6. The principal Act be amended by inserting the following new section immediately after section 32 –

Responsibility for penalty.

32A. A person who is guilty of an offence under this Act shall be personally liable for any fine imposed and public funds shall not be used to pay such a fine.

Parliamentary Powers and Privileges (Amendment) Bill, 2023

Amendment of
section 33 of
No.29 of 2017.

7. Section 33 of the principal Act is amended by deleting subsection (2) and substituting therefor the following new subsection –

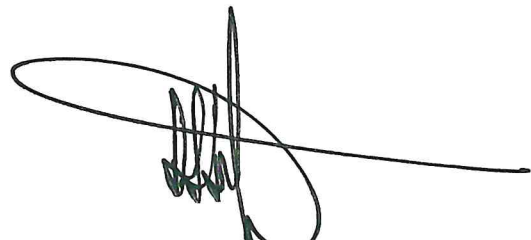
(2) In this section, “officer of a House of Parliament” means any officer acting under the orders of the respective Speaker or duly authorized by the respective Clerk.

Parliamentary Powers and Privileges (Amendment) Bill, 2023

I certify that this printed impression is a true copy of the Bill as passed by the Senate on 21st March, 2024.


Clerk of the Senate

Endorsed for presentation to the National Assembly in accordance with the provisions of standing order 156 of the Senate Standing Orders.


Speaker of the Senate