



REPUBLIC OF KENYA

**THIRTEENTH PARLIAMENT (THIRD SESSION)
THE NATIONAL ASSEMBLY**

MESSAGES

MESSAGE FROM THE NATIONAL EXECUTIVE

_____ (No. 002 of 2024) _____

**NOMINATION OF A PERSON FOR APPOINTMENT AS THE
DIRECTOR-GENERAL OF THE COMPETITION AUTHORITY**

Honourable Members,

- 1.** Pursuant to the provisions of Standing Order 42(4), I wish to report to the House that I received a Message from the then Acting Cabinet Secretary for the National Treasury and Economic Planning dated 6th August 2024 on the nomination of a person for appointment as the Director-General of the Competition Authority.
- 2. Honourable Members,** in the Message, the Ag. Cabinet Secretary conveys that, in exercise of powers conferred by section 12 of the Competition Act, CAP 504, he nominates **Mr. David Kibet Kemei** for appointment as the Director-General of the Competition Authority. The Ag. Cabinet Secretary therefore seeks the approval of the said nominee by Parliament.
- 3. Honourable Members,** you may wish to note that section 12(1) of the Competition Act prescribes process of the approval of appointment of a Director-General of the Competition Authority by Parliament.

4. In this regard, the vetting of the nominee will be undertaken by a joint sitting of the relevant committees of the respective Houses of Parliament, in accordance with the established practice.

5. For clarity, **Honourable Members**, the vetting exercise shall proceed in the following manner –

(i) THAT, the vetting of the nominee for appointment as Director-General of the Competition Authority of Kenya shall be conducted by the National Assembly Departmental Committee on Finance and National Planning and the relevant Senate Standing Committee;

(ii) THAT, the quorum of the joint sittings of the Committees will be the respective quorums of each of the committees as stipulated in the Standing Orders of the respective Houses;

(iii) THAT, as contemplated under Rule 9(6) of the Joint Rules, unless a decision is reached by consensus, any vote to be taken in the joint sittings of the Committees shall be by separate Houses. This will ensure that the numerical difference of the individual Members representing the Houses in the joint sittings has no effect on the decisions of the joint sittings of the Committees;

(iv) THAT, the Joint Committee shall, upon conclusion of the approval hearings, submit a Joint Report to the respective Houses in the manner contemplated by paragraph 7 of Joint Rule No. 9; and

(v) THAT, the approval process shall be conducted in accordance with the provisions of the Public Appointments (Parliamentary Approval) Act, CAP 7F.

6. **Honourable Members**, whereas the Competition Act, CAP 504 does not provide specific timelines within which the House is to consider the nominee, section 8(1) of the Public Appointments (Parliamentary Approval) Act, CAP 5F requires the relevant House to undertake the exercise **within twenty-eight (28) days**. Conscious of the fact that the House is scheduled to proceed for recess this week, I hasten to clarify that the counting of days with respect to the consideration of the nominee will cease during the recess period and resume when the House first sits upon resumption. Therefore, the Departmental Committee shall submit the Joint Report on or before **Thursday, 3rd October 2024** to enable the House to consider the proposed appointment.
7. **Honourable Members**, the Committees are expected to forthwith jointly commence the approval process and notify the nominee and the general public of the time and place for holding the approval hearings and upon conclusion, table their report within the statutory timelines.

I thank you!


THE RT. HON. (DR.) MOSES F. M. WETANGULA, EGH, MP
SPEAKER OF THE NATIONAL ASSEMBLY

Tuesday, 13th August 2024