

SPECIAL ISSUE

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REPUBLIC OF KENYA

KENYA GAZETTE SUPPLEMENT

SENATE BILLS, 2024

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**OFFICE OF THE COUNTY ATTORNEY
(AMENDMENT) BILL, 2024**

A Bill for

**AN ACT of Parliament to amend the Office of the
County Attorney Act and for connected purposes.**

ENACTED by the Parliament of Kenya, as follows—

1. This Act may be cited as the Office of the
County Attorney (Amendment) Act, 2024.

Short title.

2. The Office of the County Attorney Act, herein
referred to as the “Principal Act” is amended in section
5(2) by deleting the word “five” appearing
immediately after the words “Kenya of at least” and
substituting therefor the word “ten”.

Amendment of
section 5 of Cap.
265E.

3. The principal Act is amended in section 6(1) by
deleting the words “a term of six years” appearing
immediately after the words “hold office for” and
substituting therefor the words “for the term of the
governor”.

Amendment of
section 6 of Cap.
265E.

4. The principal Act is amended in section
17(2)(a) by deleting the word “five” appearing
immediately after the words “has at least” and
substituting therefor the word “ten”.

Amendment of
section 17 of Cap.
265E.

MEMORANDUM OF OBJECTS AND REASONS**Statement of the Objects and Reasons for the Bill**

The principal object of this Bill is to amend the Office of the County Attorney Act, Cap. 265E, to enhance the qualification for appointment of the County Attorney and the County Solicitor and further to provide for the tenure of office of the County Attorney. The role of the County attorney is to advise the County Government. It is imperative to have more experience that relate to the responsibilities bestowed on that office.

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

The Bill does not delegate legislative powers nor does it limit the fundamental rights and freedoms.

Statement on how the Bill concerns county governments

Office of the County attorney and the Office of the County Solicitors are offices established under the structure of County Governments.

The Bill is therefore a Bill concerning county governments in terms of Article 110(1)(a) of the Constitution.

Statement that the Bill is not a money Bill within the meaning of Article 114 of the Constitution

The Bill is not a money Bill within the meaning of Article 114 of the Constitution.

Dated the 17th September, 2024.

DAVID WAKOLI WAFULA,
Senator.

Section 5 of CAP. 265E, which it is proposed to amend —

5. Appointment and qualifications for appointment of County Attorney

(1) The County Attorney shall be appointed by the Governor with the approval of the county assembly.

(2) A person qualifies for appointment as County Attorney if such person—

(a) is an Advocate of the High Court of Kenya of at least five years standing; and

(b) meets the requirements of Chapter Six of the Constitution.

(3) The County Attorney shall take and subscribe to the oath or affirmation as set out in the First Schedule to this Act before assuming office.

Section 6 of CAP. 265E, which it is proposed to amend —

6. Tenure of office

(1) The County Attorney shall hold office for a term of six years.

(2) The County Attorney shall have the status and rank of a member of the county executive committee.

Section 17 of CAP. 265E, which it is proposed to amend —

17. County Solicitor

(1) There shall be a County Solicitor who shall be competitively recruited and appointed by the county public service board.

(2) A person is qualified for appointment to the office of County Solicitor if the person—

(a) has at least five years' experience as an Advocate of the High Court of Kenya; and

(b) meets the requirements of Chapter Six of the Constitution.

(3) The County Solicitor shall be the principal assistant of the County Attorney in the execution of the functions of the County Attorney under this Act and any other written law.