THE CONSTITUTION OF KENYA (AMENDMENT) BILL, 2025

A Bill for

AN ACT of Parliament to amend the Constitution of Kenya

ENACTED by the Parliament of Kenya as follows—

Short title.

1. This Act may be cited as the Constitution of Kenya (Amendment) Act, 2025.

Insertion of new Articles in the Constitution.

2. The Constitution is amended by inserting the following new Articles immediately after Article 204—

National Government Constituencies Fund.

204A. (1) There is established the National Government Constituencies Fund.

(2) The National Government Constituencies Fund is established for the purpose of ensuring the provision of exclusive national government functions in each constituency.

(3) The National Government Constituencies Fund shall be a national government fund consisting of monies appropriated from the national government's share of revenue as divided by the annual Division of Revenue Act enacted pursuant to Article 218.

MSWADA WA KATIBA YA KENYA (MAREKEBISHO), 2025

Mswada wa

SHERIA ya kurekebisha Katiba ya Kenya

IMEPITISHWA na Bunge la Kenya ifuatavyo—

Anwani fupi.

1. Sheria hii itaitwa Sheria ya Katiba ya Kenya (Marekebisho), 2025.

Uchopekaji wa Ibara mpya kwenye Katiba.

2. Katiba imerekebishwa kwa kuchopeka Ibara mpya zifuatazo baada tu ya Ibara ya 204 –

Hazina ya Serikali ya Taifa kwa Maeneobunge.

204A. (1) Hazina ya Serikali ya Taifa kwa Maeneobunge imeundwa.

(2) Hazina ya Serikali ya Taifa kwa Maeneobunge imeundwa ili kuhakikisha utekelezaji wa majukumu mahususi ya Serikali ya Taifa katika kila eneobunge.

(3) Hazina ya Serikali ya Taifa kwa Maeneobunge ni hazina ya serikali ya taifa kutoka kwa mgao wa fedha uliotengewa serikali ya taifa kupitia kwa Sheria ya Kugawa Mapato ya kila mwaka ambayo hupitishwa kwa mujibu wa Ibara ya 218.

(4) All monies allocated under this Article shall be considered as funds allocated to constituencies to be administered in accordance with the provisions of an Act of Parliament.

(5) Parliament shall enact legislation to make further provisions for the operation of this Article.

Senate Oversight Fund.

204B. (1) There is established the Senate Oversight Fund.

(2) The Senate Oversight Fund is established for the purpose of ensuring that the Senate is adequately resourced and empowered to perform its oversight functions.

(3) The Senate Oversight Fund shall be a national government fund consisting of monies appropriated from the national government's share of revenue as divided by the annual Division of Revenue Act enacted pursuant to Article 218.

(4) All monies allocated under this

(4) Pesa zote zinazotengwa kwa mujibu wa Ibara hii zitachukuliwa kuwa fedha zilizotengewa maeneobunge na zitasimamiwa na kutumiwa kwa mujibu wa masharti ya Sheria.

(5) Bunge litapitisha sheria ya kuweka masharti zaidi ya utekelezaji wa Ibara hii.

Hazina ya Uangalizi ya Seneti.

204B. (1) Hazina ya Uangalizi ya Seneti imeundwa.

(2) Hazina ya Uangalizi ya Seneti imeundwa ili kuhakikisha kwamba Seneti ina rasilimali na imewezeshwa kikamilifu kutekeleza majukumu yake ya uangalizi.

(3) Hazina ya Uangalizi ya Seneti ni hazina ya serikali ya taifa kutoka kwa mgao wa fedha uliotengewa serikali ya taifa kupitia kwa Sheria ya Kugawa Mapato ya kila mwaka ambayo hupitishwa kwa mujibu wa Ibara ya 218.

(4) Pesa zote zinazotengwa kwa

Article shall be considered as funds allocated to the Senate to be administered in accordance with the provisions of an Act of Parliament.

(5) Parliament shall enact legislation to make further provision for the operation of this Article.

National Government Affirmative Action Fund.

204C. (1) There is established the National Government Affirmative Action Fund.

(2) The National Government Affirmative Action Fund is established for the purpose of enhancing the measures of the national government on affirmative action.

(3) The National Government Affirmative Action Fund shall be a national government fund consisting of monies appropriated from the national government's share of revenue as divided by the annual Division of Revenue Act enacted pursuant to Article 218.

(4) Parliament shall enact legislation to make further provision

mujibu wa Ibara hii zitachukuliwa kuwa fedha zilizotengewa Seneti na zitasimamiwa na kutumiwa kwa mujibu wa masharti ya Sheria.

(5) Bunge litapitisha sheria ya kuweka masharti zaidi ya utekelezaji wa Ibara hii.

Hazina ya Serikali ya Taifa kwa Hatua Sawazishi.

204C. (1) Hazina ya Serikali ya Taifa kwa Hatua Sawazishi imeundwa.

(2) Hazina ya Serikali ya Taifa kwa Hatua Sawazishi imeundwa ili kuimarisha mikakati ya serikali ya taifa kuhusu hatua sawazishi.

(3) Hazina ya Serikali ya Taifa kwa Hatua Sawazishi ni hazina ya serikali ya taifa kutoka kwa mgao wa fedha uliotengewa serikali ya taifa kupitia kwa Sheria ya Kugawa Mapato ya kila mwaka ambayo hupitishwa kwa mujibu wa Ibara ya 218.

(4) Bunge litapitisha sheria ya kuweka masharti

for the operation of this Article.

zaidi ya utekelezaji wa Ibara hii.

MEMORANDUM OF OBJECTS AND REASONS

Statement of objects and reasons for the Bill

The principal object of this Bill is to amend the Constitution to entrench the following Funds in the Constitution—

(a) the National Government Constituencies Fund;
(b) the Senate Oversight Fund; and
(c) the National Government Affirmative Action Fund.

The establishment of the National Government Constituencies Fund in the Constitution will ensure reasonable access to exclusive national government functions in all constituencies as envisaged in Article 6(3) of the Constitution and ensure the participation of the people in the identification and implementation of priority national government programmes.

The establishment of the Senate Oversight Fund in the Constitution will ensure that the Senate is adequately empowered and resourced to perform its oversight functions.

The establishment of the National Government Affirmative Action Fund shall enhance the measures of the national government on affirmative action.

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

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

MAELEZO YA MADHUMUNI NA SABABU

Kauli ya madhumuni na sababu za Mswada

Lengo kuu la Mswada huu ni kurekebisha Katiba ili kukita hazina zifuatazo katika Katiba—

(a) Hazina ya Serikali ya Taifa kwa Maeneobunge;
(b) Hazina ya Uangalizi ya Seneti; na
(c) Hazina ya Serikali ya Taifa kwa Hatua Sawazishi.

Kukitwa kwa Hazina ya Serikali ya Taifa kwa Maeneobunge kwenye Katiba kutahakikisha kwamba majukumu mahususi ya serikali ya taifa yanafikia maeneobunge yote kama inavyokusudiwa kwenye Ibara ya 6(3) ya Katiba na kutahakikisha ushirikishwaji wa umma katika utambuaji na utekelezaji wa mipango ya serikali ya taifa iliyopewa kipaumbele.

Kukitwa kwa Hazina ya Uangalizi ya Seneti kwenye Katiba kutahakikisha kwamba Seneti inawezeshwa na ina rasilimali na imewezeshwa kikamilifu kutekeleza majukumu yake ya uangalizi.

Kukitwa kwa Hazina ya Serikali ya Taifa kwa Hatua Sawazishi kwenye Katiba kutaimarisha mikakati ya serikali ya taifa kuhusu hatua sawazishi.

Kauli ya ukasimishaji wa mamlaka ya kutunga sheria na udhibiti wa haki na uhuru wa kimsingi.

Mswada huu haukasimishi mamlaka ya kutunga sheria wala haudhibiti haki na uhuru wowote wa kimsingi.

Statement on whether the Bill concerns county governments

Pursuant to Article 256 of the Constitution, a Bill to amend the Constitution through a parliamentary initiative is considered by both Houses of Parliament.

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

The Bill contains provisions dealing with appropriation and issue of public money.

Dated…………………………….., 2025

SAMUEL CHEPKONG'A,
Member of Parliament.

OTIENDE AMOLLO,
Member of Parliament.

Kauli iwapo Mswada unahusu serikali za kaunti

Kwa mujibu wa Ibara 256 ya Katiba, Mswada wa kurekebisha Katiba unaoanzishwa na Bunge utashughulikiwa na Bunge la Taifa na Seneti.

Kauli iwapo Mswada unahusu masuala ya fedha kwa mujibu wa Ibara ya 114 ya Katiba

Mswada huu una vipengele vinavyohusu utengaji na utumiaji wa fedha za umma.

Tarehe………………………………….., 2025

SAMUEL CHEPKONG'A,
Mbunge.

OTIENDE AMOLLO,
Mbunge.