

THE CONSTITUTION OF KENYA

REFERRAL

of

THE ANTI-MONEY LAUNDERING AND COMBATING OF TERRORISM FINANCING LAWS (AMENDMENT) BILL, 2025

PRESIDENTIAL MEMORANDUM OF REFERRAL

By **HIS EXCELLENCY, THE HONOURABLE
WILLIAM SAMOEI RUTO**, Ph.D., C.G.H.

President and Commander-in-Chief of the
Kenya Defence Forces.

Submitted to the **HON. SPEAKER OF THE
NATIONAL ASSEMBLY.**

WHEREAS a Bill titled "*An Act of Parliament to amend the laws relating to anti-money laundering and combating of terrorism financing and proliferation financing; and for connected purposes*" was passed by the National Assembly on the 16th of April, 2025;

AND WHEREAS in accordance with the provisions of the Constitution, the Anti-Money Laundering and Combating of Terrorism Financing Laws (Amendment) Bill, 2025, was presented to me for assent on the 17th of April, 2025;



NOW THEREFORE, in exercise of the powers conferred upon me by Article 115 of the Constitution, I decline to assent to the Anti-Money Laundering and Combating of Terrorism Financing Laws (Amendment) Bill, 2025, and refer the Bill for reconsideration by the National Assembly, for the reasons set out hereunder:

CLAUSE 3

Clause 3(2) of the Bill proposes transitioning the tenure of the Centre's principal office holder to a single non-renewable term of six years, thereby aligning it with the tenure applicable to Constitutional Commissions.

However, the transitional provision does not adequately account for the established architecture of independent constitutional offices and their governance framework. In particular, the proposed framework does not fully take cognizance of the constitutional framework governing independent office holders under Chapter 15 of the Constitution, such as the Auditor-General, the Comptroller of Budget, and the Director of Public Prosecutions, whose maximum term of service is capped at eight years. Under the proposed arrangement, the tenure would cumulatively extend to ten years, exceeding the constitutional threshold.

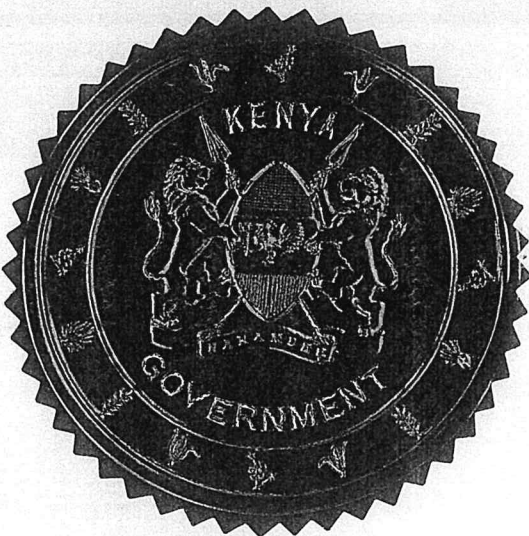


RECOMMENDATION

For the foregoing reasons, I recommend the saving and transitional provision under Clause 3(2) be deleted and substituted therefor the following new transitional provision—

"Any existing office holder appointed under section 25 of the Proceeds of Crime and Anti-Money Laundering Act will complete their tenure under the provisions applicable at the time of their appointment."

IN WITNESS THEREOF, I hereunto have set my Hand and caused the Public Seal of the Republic to be affixed on this day of , in the year of our **LORD TWO THOUSAND AND TWENTY-FIVE.**



A handwritten signature in black ink, appearing to read 'William Samoei Ruto'.

WILLIAM SAMOEI RUTO,
PRESIDENT.