



REPUBLIC OF KENYA

PARLIAMENT

SENATE BILLS

(Bill No. 34 of 2023)

**THE COUNTY ASSEMBLY SERVICES
(AMENDMENT) BILL, 2023**



(A Bill published in the Kenya *Gazette* Supplement No. 134 of 11th August, 2023 and passed by the Senate, with amendments, on Tuesday, 15th April, 2025)

THE COUNTY ASSEMBLY SERVICES (AMENDMENT) BILL, 2023

A Bill for

AN ACT of Parliament to amend the County Assembly Services Act; and for connected purposes.

ENACTED by the Parliament of Kenya, as follows —

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| Short title. | 1. This Act may be cited as the County Assembly Services (Amendment) Act, 2023. |
| Amendment of section 3 of Cap 265D. | 2. Section 3 of the County Assembly Services Act, in this Act referred to as “the principal Act” is amended in paragraph (e) by inserting the words “and administrative” immediately after the words “provide for the procedural”. |
| Amendment of section 10 of Cap 265D. | 3. Section 10 of the principal Act is amended — <ul style="list-style-type: none">(a) in subsection (2) by inserting the words “by submitting a petition to the office of the respective Clerk, in the prescribed form” immediately after the words “specified under subsection (1)”;(b) by deleting subsection 3 and substituting therefor the following new subsection —<div style="margin-left: 40px;">(3) Upon receipt of a petition under subsection (2), the Speaker shall report the petition to the Assembly within seven days.</div>(c) by inserting the following new subsections immediately after subsection (3) —<div style="margin-left: 40px;">(4) Upon reporting of the petition under subsection (3), the Speaker shall refer the petition to a select committee of the county assembly to investigate the matter.</div><div style="margin-left: 40px;">(5) The committee referred to in subsection (4) shall consist of eleven members and shall be</div> |

The County Assembly Services (Amendment) Bill, 2023

established in accordance with the Standing Orders of the respective county assembly.

(6) The select committee shall investigate the matter within ten days of the receipt of the petition and report to the assembly whether it finds the allegations against the member of the Board to be substantiated.

(7) The member of the Board shall have the right to appear and be represented by an Advocate before the select committee during its investigations.

(8) If the Committee find that the allegations against the member are unsubstantiated, no further proceedings shall be taken further proceedings shall not be in respect of that allegation.

(9) The assembly shall consider the report of the select committee and resolve whether to approve the motion.

(10) If the assembly approves a motion filed under this section, the member of the Board against whom the motion was filed shall be deemed to have been removed from office from the date the motion was approved.

(11) The Clerk shall inform, in writing, a member who is removed under this section, of the resolution of the county assembly.

Amendment
of section 17
of Cap 265D

4. Section 17 of the principal Act is amended in subsection (2) by deleting the words “chairperson of the Board and the” appearing immediately after the words “responsible to the”.

Amendment
of section 17
of Cap 265D

5. Section 19 of the principal Act is amended –

The County Assembly Services (Amendment) Bill, 2023

(a) in paragraph (a) by deleting the word “and” appearing immediately after the words “the county assembly;” and;

(b) inserting the following new paragraph after paragraph (a) –

(aa) exercise supervisory control over the staff of the County Assembly; and

Insertion of
new section in
No. 24 of
2017.

6. The principal Act is amended by inserting the following new section immediately after section 22 –

Procedure for
suspension of
Clerk.

22A. (1) Where the Board considers it necessary to suspend the Clerk under section 22, the Board shall –

(a) inform the Clerk in writing of the reasons for the suspension;

(b) invite the Clerk to respond within seven days, in writing, to the reasons set out under paragraph (a);

(c) invite the Clerk to appear before the Board on a specified date to exculpate himself or herself.

(2) The Board shall not suspend a Clerk under section 22 for a period exceeding six months.

Amendment
of section 23
of No. 24 of
2017.

7. Section 23 of the principal Act is amended –

(a) in subsection (1) –

(i) by deleting the words “section 20” appearing immediately after the words “the Clerk under” in the introductory phrase and substituting therefor the words “section 22”;

(ii) by inserting the words “within fourteen days” immediately after the words “allegations in writing” appearing in paragraph (c);

(iii) by inserting the words “within fourteen days of the lapse of the period of response under paragraph (c)” immediately after the words invite the Clerk” appearing in paragraph (d).

(b) in subsection (8) by inserting the words “two-thirds of the members of” immediately after the word “if”.

Amendment
of section 25
of No. 24 of
2017.

8. Section 25 of the principal Act is amended by inserting the following new subsections immediately after subsection (1)

(1A) The County Assembly Service Board shall put in place measures to protect its officers on secondment from loss or disadvantage with respect to pension benefits, gratuity or other terminal benefits.

(1B) Unless there is an agreement to the contrary, it shall be the responsibility of the Board to pay the salaries, remuneration, allowances and other benefits due to the staff on secondment.

(1C) An employee on secondment shall not lose any of their benefits.

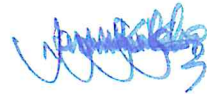
(1D) If for any reason it is not necessary for an officer on secondment to remain seconded and the secondment period has not lapsed, the officer shall be entitled to revert back to the position the public officer held before secondment.

(1E) The Board shall not second an officer of the service without the officer’s consent.

(1F) The Board shall not allow the secondment of an officer unless it has considered representation by the concerned authorized officer or head of department of the officer proposed to be seconded.

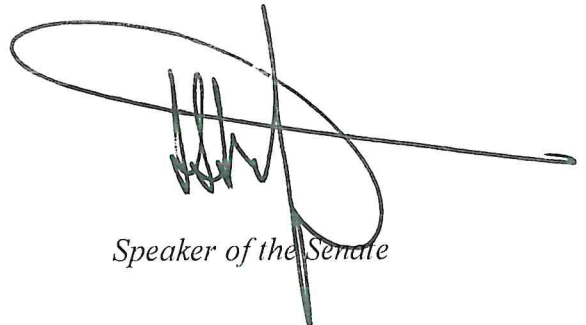
The County Assembly Services (Amendment) Bill, 2023

I certify that this printed impression is a true copy of the Bill as passed by the Senate on Tuesday, 15th April, 2025.



Clerk of the Senate

Endorsed for presentation to the National Assembly in accordance with the provisions of standing order 161 of the Senate Standing Orders.



Speaker of the Senate