

**SPECIAL ISSUE**

*Kenya Gazette Supplement No. 139 (Senate Bills No. 36)*

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REPUBLIC OF KENYA

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***KENYA GAZETTE SUPPLEMENT***

**SENATE BILLS, 2014**

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**NAIROBI, 12th September, 2014**

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**THE INTERGOVERNMENTAL RELATIONS  
(AMENDMENT) BILL, 2014**

**A Bill for**

**AN ACT of Parliament to amend the  
Intergovernmental Relations Act**

**ENACTED** by the Parliament of Kenya, as follows—

**1.** This Act may be cited as the Intergovernmental Relations (Amendment) Act, 2014.

Short title

**2.** The Intergovernmental Relations Act, in this Act referred to as the “principal Act”, is amended in section 2 by inserting the following new definitions in the proper alphabetical sequence—

Amendment of section 2 of No. 2 of 2012

“Bureau” means a County Public Compensation Bureau established under section 29A;

“claims for unsettled monetary awards” include claims—

- (a) for retirement benefits;
- (b) for social security benefits;
- (c) relating to accidents or injuries sustained at work places;
- (d) arising from insurance compensation matters;
- (e) for compensation for death, injury or damage occasioned by wildlife;
- (f) emanating from irregular dismissals from employment; and
- (g) in respect of unsettled court awards.

“claims for unsettled non-monetary awards” include claims for which no monetary value is attached to the compensation, such as restitution awards in land disputes; and

“defaulting institution or person” means an institution or person against whom a Bureau has lodged a claim under this Act.

3. The principal Act, is amended by inserting the following new Part immediately after Part III—

Insertion of new part.

**PART IIIA—ESTABLISHMENT OF COUNTY PUBLIC COMPENSATION BUREAUS**

Establishment of public compensation bureaus.

**29A.** There is established, in each county, a County Public Compensation Bureau, which shall comprise—

- (a) the chairperson of the Commission on Administrative Justice or a representative of the chairperson, who shall be the chairperson of the Bureau;
- (b) one person nominated by the Governor of the county who shall be the vice-chairperson;
- (c) one person nominated by the county assembly service board;
- (d) the leader of the majority party or coalition of parties in the county assembly;
- (e) the leader of the minority party or coalition of parties in the county assembly;
- (f) the chairperson of the Maendeleo ya Wanawake organization in the county;
- (g) one representative of the labour movement nominated by the Central Organization of Trade Unions in Kenya;
- (h) one public officer nominated by the Attorney – General;
- (i) one representative of the Kenya National Union of Teachers;
- (j) two persons of either gender nominated by the Bureau to represent the youth and persons living with disabilities; and

Functions of the  
Bureaus.

(k) the secretary of the county public service board, who shall be the chief executive officer and the secretary to the Bureau and who shall not have a right to vote.

**29B.** (1) The Bureau shall—

- (a) receive claims for unsettled monetary and non-monetary awards emanating from the residents of the county;
- (b) create a database of the claims received under paragraph (a);
- (c) ensure that all claims for unsettled monetary and non-monetary awards are supported by the requisite documents;
- (d) inquire into complaints of abuse of power, unfair treatment, oppressive or unresponsive official conduct relating to offices of the County Government, the national Government and other State institutions within the county;
- (e) authenticate the claims received and all supporting documents within fourteen days of receipt of the claims;
- (f) follow-up and expedite the processing of the claims for unsettled awards with the relevant authorities and agencies;
- (g) keep the claimants informed of the status of their claims;
- (h) facilitate the resolution of disputes between the claimants and the relevant authorities and agencies; and
- (i) perform any other function that may be conferred by this Act or by any other legislation.

(2) A Bureau shall forward claims to settle a monetary or non-monetary award to the respective person or institution said to have failed or neglected to settle the claim through registered mail or through any other official means.

(3) A Bureau shall have powers equivalent to that of a High Court to summon and enforce the attendance of any person to appear before it to give evidence or to provide information to the Bureau.

Meetings of the Bureaus.

**29C.** (1) A Bureau shall meet at least three times a year.

(2) Subject to this Act, a Bureau shall regulate the procedure to be applied to its meetings.

(3) A meeting of a Bureau shall be chaired by the chairperson and in the absence of the chairperson, the vice-chairperson shall chair the meeting.

(4) In the absence of both the chairperson and the vice-chairperson, the members present shall elect a member to chair the meeting.

(5) The quorum for a meeting of a Bureau shall be five members.

Secretariat of Bureaus.

**29D.** The secretary of a Bureau shall provide the necessary administrative and technical support to the Bureau.

Reporting by Bureaus.

**29E.** A Bureau shall submit an annual report to the Senate, the National Assembly, the Commission on Administrative Justice, the National Treasury, the Attorney-General and the respective county assemblies.

Settlement of claims.

**29F.** (1) Upon receipt of a claim under paragraph (a) of section 29B (1), the Bureau shall issue a notice to the defaulting institution or person, requiring the institution or person to settle the claim within a period of three months.

(2) If at the expiry of the three months under sub-section (1) the defaulting institution or person has not settled the claim, the defaulting institution or person shall be liable—

- (a) in the case of a monetary claim, to a penalty of thirty-six percent per annum of the amount of the claim which shall be paid to the person who lodged the claim; and
- (b) in the case of a non-monetary claim, to imprisonment for a term not exceeding six months and the person shall be deemed to be unfit to hold a public office.

Non-money Bill  
status.

**29G.** (1) For the avoidance of doubt, nothing in this Act is intended to or may be construed as providing for or dealing with—

- (a) taxes;
- (b) the imposition of charges on a public fund or the variation or repeal of any of those charges;
- (c) the appropriation, receipt, custody, investment or issue of public money;
- (d) the raising or guaranteeing of any loan or its repayment; or
- (e) matters incidental to any of those matters.

(2) There may be established a fund which shall consist of the monies specified under subsection (3).

(3) Any expenses that may be occasioned in the implementation of this Act shall be provided from—

- (a) such gifts, grants or donations as may be given;
- (b) such monies as may, in the future, be provided by the National Assembly for defraying the

- expenses incurred in the implementation of this Act; and
- (c) such other monies that may lawfully accrue in the discharge of the functions under this Act, not being monies accruing pursuant to Article 114 of the Constitution.

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**MEMORANDUM OF OBJECTS AND REASONS**

**Statement of the Objects and Reasons for the Bill**

The principal object of this Bill is to amend the Intergovernmental Relations Act, No. 2 of 2012, in order to provide for the establishment of a County Public Compensation Bureau in every County. The functions of the Bureaus shall include receiving all claims for unsettled monetary and non-monetary awards emanating from the residents of the County, ensuring that claims for unsettled awards are supported by the requisite documents and following-up and expediting the processing of claims for unsettled awards with the relevant authorities and agencies.

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

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

**Statement on how the Bill concerns county governments**

The Bill concerns county governments in terms of Article 110(1)(a) of the Constitution as it contains provisions that affect the functions and powers of the county governments as set out in the Fourth Schedule to the Constitution.

It establishes County-based Bureaus whose functions are facilitated by the county governments.

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

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

Dated the 13th August, 2014.

CHRISTOPHER OBURE,  
*Chairman,  
Senate Ad Hoc Committee on Establishment of Public  
Compensation Bureaus.*

*Section 2 of Act No. 2 of 2012 which it is proposed to amend—*

2. In this Act, unless the context otherwise requires—

“Cabinet Secretary” means the Cabinet Secretary for the time being responsible for matters relating to intergovernmental relations;

“competencies” means powers given to a public authority in respect of a specific activity, which is key to ensuring the provision of a public service and includes powers of planning, regulating, setting standards, constructing, financing, managing, monitoring and evaluating, sanctioning or intervening in any way to ensure that a function is discharged;

“Council” means the Council of County Governors established under section 19;

“level of government” means the national and county level of government;

“Secretariat” means the Intergovernmental Relations Secretariat established under section 15;

“Summit” means the National and County Government Co-ordinating Summit established under section 7;

“Technical Committee” means the Intergovernmental Relations Technical Committee established under section 11.