



**REPUBLIC OF KENYA**

**THIRTEENTH PARLIAMENT (FOURTH SESSION)**

**THE NATIONAL ASSEMBLY**

**MESSAGES**

**MESSAGE FROM THE PRESIDENT**

\_\_\_\_\_ (No. 04 of 2025) \_\_\_\_\_

**REFERRAL BY H.E. THE PRESIDENT OF THE PENSIONS  
(AMENDMENT) BILL, 2022**

---

**Honourable Members,**

1. You may recall that on 7<sup>th</sup> August 2024, the National Assembly passed the Pensions (Amendment) Bill (National Assembly Bill No. 44 of 2022) which was sponsored by the Member for Kimilili, the Hon. Didmus Barasa, MP. The Bill sought to amend the Pensions Act, Cap. 189 to provide for timelines within which pension was payable to an officer. Following its passage, I presented the Bill for assent to H.E. the President in accordance with the provisions of Article 115 of the Constitution.
2. **Honourable Members,** I wish to convey to the House that I have since received a Message from H.E. the President referring the Bill back to the House for reconsideration in accordance with the provisions of Article 115 of the Constitution. In the Memorandum, H.E. the President has expressed reservations on Clauses 2 and 3 of the Bill and notes, *inter alia*—

- (i) **That, on Clause 2 of the Bill**, the proposed amendment which seeks to give the Cabinet Secretary responsible for matters relating to finance powers to make Regulations, will create an inconsistency with section 3(2) of the Pensions Act, which provides that the Pensions Regulations may be amended by Regulations made by the President. As such, granting powers to the Cabinet Secretary would create conflict in the implementation of such Regulations; and
- (ii) **That, on Clause 3 of the Bill**, the clause is ambiguous as it does not provide with specificity the date for which pension shall become due. The President notes that the Bill lacks clarity on whether the due date is the retirement date or the date on which a retired person makes an application for payment of pension. Further, the President notes that the objects sought to be achieved by the Bill can be realized through administrative action by streamlining the pension processes to ensure the timely payment of pension to retired persons.

**3.** In his reservations, H.E. the President observes that the Bill fails to take cognizance of the recent automation of the pensions processes which has reduced timelines for processing pensions. Consequently, the President recommends deletion of Clauses 2 & 3 of the Bill, which as a matter of fact, are the primary content of the Bill.

**4. Honourable Members,** Standing Order 154(2) requires the House to consider the President's reservations **within twenty-one (21) days** upon receipt of a Memorandum.

In this regard, the Memorandum from the President now stands committed to the Departmental Committee on Finance and National Planning for consideration. The Committee is required to table its report soonest to allow the House to consider the President's reservations within the said timelines.

5. **Honourable Members**, may I at this point, remind the House of the *Speaker's Communication* of 28<sup>th</sup> July 2015 concerning the *consideration of the President's reservations to a Bill and amendments thereto*. I particularly draw your attention to the guidance, that the voting threshold for the passage of amendments proposed by a Committee or an individual Member that have the effect of **fully accommodating** the President's reservations is **a simple majority** as contemplated under Article 122(1) of the Constitution as read together with Article 115(2)(a).
6. On the other hand, an amendment that **does not fully accommodate** the President's reservations, or indeed one that has the effect of a total override of the President's reservations, including negating his proposed text, would require a **two-thirds voting** threshold to be passed in keeping with the provisions of Article 115(4) of the Constitution.
7. In conclusion, **Honourable Members**, I hereby direct the Clerk to circulate the memorandum from H.E. the President to all Members so that they familiarize themselves with its contents.
8. The House is accordingly informed.

**I thank you!**

  
**THE RT. HON. (DR.) MOSES F. M. WETANGULA, EGH, MP**  
**SPEAKER OF THE NATIONAL ASSEMBLY**

Tuesday, 22<sup>nd</sup> July 2025

