



REPUBLIC OF KENYA

THIRTEENTH PARLIAMENT – (FIFTH SESSION)

THE NATIONAL ASSEMBLY

ORDERS OF THE DAY

WEDNESDAY, OCTOBER 14, 2026 AT 2.30 P.M.

ORDER OF BUSINESS

PRAYERS

1. Administration of Oath
2. Communication from the Chair
3. Messages
4. Petitions
5. Papers
6. Notices of Motion
7. Questions and Statements

8*. THE TAX LAWS (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 65 OF 2026)

(The Leader of the Majority Party)

Second Reading

9*. COMMITTEE OF THE WHOLE HOUSE

- (i) The Tax Laws (Amendment) Bill (National Assembly Bill No. 65 of 2026)
(The Leader of the Majority Party)

(With leave of the House)

- (ii) The Elections (Amendment) (No. 2) Bill (Senate Bill No. 29 of 2024)
(The Leader of the Majority Party and the Leader of the Minority Party)

- (iii) The Public Service Superannuation Scheme (Amendment) Bill (National Assembly Bill No. 33 of 2025)
(The Leader of the Majority Party)

- (iv) The East African Development Bank (Amendment) Bill (National Assembly Bill No. 33 of 2026)
(The Leader of the Majority Party)

10*. **MOTION – TENTH REPORT ON EXAMINATION OF THE AUDITED FINANCIAL STATEMENTS OF EGERTON UNIVERSITY**

(The Chairperson, Public Investments Committee on Governance and Education)

THAT, this House **adopts** the Tenth Report of the Public Investments Committee on Governance and Education on its examination of the audited financial statements of Egerton University for the financial year 2018/2019 to 2023/2024, *laid on the Table of the House on Thursday, 26th February 2026.*

(Resumption of debate interrupted on Tuesday, October 13, 2026)

11*. **MOTION – CONSIDERATION OF THE DRAFT PRIVILEGES AND IMMUNITIES (AFRICA FINANCE CORPORATION) ORDER, 2026**

(The Chairperson, Committee on Delegated Legislation)

THAT, this House **adopts** the Report of the Committee on Delegated Legislation on its consideration of the Draft Privileges and Immunities (Africa Finance Corporation) Order, 2026, *laid on the Table of the House on Tuesday, 13th October 2026*, and pursuant to the provisions of section 17 of the Privileges and Immunities Act, Cap 179, **approves** the *Draft Privileges and Immunities (Africa Finance Corporation) Order, 2026.*

12*. **MOTION – CONSIDERATION OF THE DRAFT PRIVILEGES AND IMMUNITIES (FORD FOUNDATION) ORDER, 2026**

(The Chairperson, Committee on Delegated Legislation)

THAT, this House **adopts** the Report of the Committee on Delegated Legislation on its consideration of the Draft Privileges and Immunities (Ford Foundation) Order, 2026, *laid on the Table of the House on Tuesday, 13th October 2026*, and pursuant to the provisions of section 17 of the Privileges and Immunities Act, Cap 179, **approves** the *Draft Privileges and Immunities (Ford Foundation) Order, 2026.*

13*. **MOTION - PROGRESS REPORT ON THE KENYA-UNITED KINGDOM DEFENCE COOPERATION AGREEMENT**

(The Chairperson, Departmental Committee on Defence, Intelligence and Foreign Relations)

THAT, this House **adopts** the Progress Report of the Departmental Committee on Defence, Intelligence and Foreign Relations on the implementation of resolutions of the House on the British Army Training Unit in Kenya Inquiry and the Kenya-United Kingdom Defence Cooperation Agreement, *laid on the Table of the House on Tuesday, 13th October 2026.*

- 14*. **THE INVESTMENT AND EXPORT PROMOTION AUTHORITY (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 37 OF 2026)**
(The Leader of the Majority Party)

Second Reading

- 15*. **THE TOURISM (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 41 OF 2026)**
(The Leader of the Majority Party)

Second Reading

- 16*. **THE KENYA ECONOMIC ZONES BILL (NATIONAL ASSEMBLY BILL NO. 46 OF 2026)**
(The Leader of the Majority Party)

Second Reading

- 17*. **MOTION – THIRTEENTH REPORT ON EXAMINATION OF THE AUDITED FINANCIAL STATEMENTS FOR THREE FUNDS FOR FY 2020/2021 AND 2021/2022**
(The Chairperson, Special Funds Accounts Committee)

THAT, this House **adopts** the Thirteenth Report of the Special Funds Accounts Committee on its consideration of audited Financial Statements for the Agricultural Food Authority Car Loan and Mortgage Scheme Fund, Veterinary Services Development Fund and Government Press Fund for FY 2020/2021 and 2021/2022, *laid on the Table of the House on Wednesday, 14th August 2024.*

- 18*. **MOTION – FOURTH REPORT ON THE STATUS OF IMPLEMENTATION OF THE CONSTITUTION**
(The Chairperson, Constitutional Implementation Oversight Committee)

THAT, this House adopts the Fourth Report of the Constitutional Oversight Committee, *laid on the Table of the House on Wednesday, 19th November 2025*, on the Status of Implementation of the Constitution by –

- (i) The Independent Electoral and Boundaries Commission; and
- (ii) The Office of the Data Protection Commissioner.

- 19*. **MOTION- REPORT ON INSPECTION VISITS TO CONSTITUENCY OFFICES IN NAKURU COUNTY**
(The Chairperson, Committee on Members' Services and Facilities)

THAT, this House adopts the Report of the Committee on Members' Services and Facilities on inspection visits to Constituency Offices in Nakuru County, *laid on the Table of the House on Thursday, 11th June 2026.*

20*. MOTION – REPORT ON EXAMINATION OF THE AUDITED FINANCIAL STATEMENTS OF HIGHER LEARNING INSTITUTIONS (EASTERN REGION)

(The Chairperson, Public Investments Committee on Governance and Education)

THAT, this House adopts the Report of the Public Investments Committee on Governance and Education on its examination of Audited Financial Statements of Institutions of Higher Learning (Eastern Region) for the Financial Years 2018/2019, 2019/2020, 2020/2021, 2021/2022, 2022/2023 and 2023/2024, *laid on the Table of the House on Tuesday, 31st March 2026.*

21*. MOTION – FIFTH REPORT ON THE IMPLEMENTATION STATUS OF REPORTS ON PETITIONS AND RESOLUTIONS

(The Chairperson, Committee on Implementation)

THAT, this House adopts the Fifth Report of the Select Committee on Implementation on the Implementation status of Reports on Petitions and Resolutions passed by the House, *laid on the Table of the House on Wednesday, 3rd December 2025.*

22*. MOTION – NINETEENTH REPORT ON EXAMINATION OF THE AUDITED FINANCIAL STATEMENTS FOR FIVE FUNDS

(The Chairperson, Special Funds Accounts Committee)

THAT, this House adopts the Nineteenth Report of the Special Funds Accounts Committee on its consideration of the audited accounts for the following funds, *laid on the Table of the House on Wednesday, 15th April 2026 –*

- (i) Equalisation Fund for the financial years 2020/2021, 2021/2022 and 2022/2023;
- (ii) Fish Levy Trust Fund for the financial years 2020/2021, 2021/2022 and 2022/2023;
- (iii) Public Service Superannuation Fund for the financial years 2020/2021, 2021/2022 and 2022/2023;
- (iv) State Officers and Public Officers Motor Car Loan Scheme Fund for the financial years 2019/2020, 2020/2021 and 2021/2022;
- (v) National Research Fund for the financial years 2022/2023, 2023/2024 and 2024/2025;
- (vi) Petroleum Development Levy Fund for the financial years 2018/2019, 2019/2020, 2020/2021 and 2021/2022; and
- (vii) Petroleum Training Levy Fund for the financial years 2021/2022, 2022/2023 and 2023/2024.

Denotes Orders of the Day

N O T I C E S

I. THE TAX LAWS (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 65 OF 2026)

Notice is given that the Leader of the Majority Party intends to move the following amendments to the Tax Laws (Amendment) Bill, 2026 at the Committee stage—

CLAUSE 1

THAT, Clause 1 of the Bill be amended by deleting the words “shall come into effect upon publication” and substituting therefor the words “shall be deemed to have come into effect on 14th October, 2026”.

CLAUSE 3

THAT, the Bill be amended by deleting Clause 3 and substituting therefor the following new clause—

Amendment
of the First
Schedule to
Cap.472.

3. The First Schedule to the Excise Duty Act is amended —

- (a) in the description of “Imported Ceramic sinks, wash basins, wash basin pedestals, baths, bidets, water closet pans, flushing cisterns, urinals and similar sanitary fixtures of tariff heading 6910” by deleting the corresponding rate of excise duty and substituting therefor the following new rate of excise duty—

“5% of the excisable value”

- (b) in the description of “Imported ceramic flags and paving, hearth or wall tiles; unglazed ceramic mosaic cubes and the like, whether or not on a backing; finishing ceramics of tariff 6907” by deleting the corresponding rate of excise duty and substituting therefor the following new rate of excise duty—

“5% of the excisable value or shs. 300 per square meter, whichever is higher”

II. THE PUBLIC SERVICE SUPERANNUATION SCHEME (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 33 OF 2025)

- 1) Notice is given that the Leader of the Majority Party intends to move the following amendments to the Public Service Superannuation Scheme (Amendment) Bill, 2025 at the Committee stage—

CLAUSE 1

THAT, Clause 1 of the Bill be amended by deleting the word “Scheme” appearing immediately after the word “Superannuation” and substituting therefor the word “Fund”;

CLAUSE 2

THAT, Clause 2 of the Bill be amended—

(a) in paragraph (a), by—

- (i) inserting the following new definition in proper alphabetical sequence—

“adherence agreement” means an agreement in writing made between an employer and the Board which forms the basis upon which an employer is admitted to join and participate in the provision of retirement benefits to its employees under the Act;

- (ii) deleting the word “Scheme” in the proposed new definition of “beneficiary” and substituting therefor the word “Fund”;

- (iii) deleting the word “Scheme” in the proposed new definition of “deferred member” and substituting therefor the word “Fund”;

- (iv) deleting the proposed definition of “employer” and substituting therefor the following new definition—

“employer” means—

- (a) the Teachers Service Commission;

- (b) the National Police Service Commission or an authorized officer duly appointed by the National Police Service Commission;

- (c) the Public Service Commission or an authorized officer duly appointed by the Public Service Commission;

- (d) any other national government entity that the Cabinet Secretary may determine to be public service for the purposes of this Act; and

- (e) any other entity that the Cabinet Secretary may determine to be an eligible employer for the purposes of this Act.

- (b) in paragraph (b), by deleting the word “Scheme” in the proposed new definition of “administrator” and substituting therefor the word “Fund”;

- (c) inserting the following new paragraphs after paragraph (b)—

- (c) deleting the definition of “contribution” and substituting therefor the following new definition—

“contribution” means the amount payable by a member and an employer into the Fund;

(d) in the definition of “Fund”, by deleting the expression “section 9” appearing immediately after the words “established under” and substituting therefor the expression “section 3”;

(e) in the definition of “member” by deleting the word “Scheme” appearing immediately before the expression “under section 5” and substituting therefor the word “Fund”;

(f) deleting the definition of “notional interest”;

(g) deleting the definition of “pensionable emoluments” and substituting therefor the following new definition—

“pensionable emoluments” means the basic salary of a member;

(h) deleting the definition of “Scheme”.

NEW CLAUSES 2A, 2B AND 2C

THAT, the Bill be amended by inserting the following new Clauses immediately after Clause 2—

Amendment of
title to Part II of
Cap. 189A.

2A. The title to Part II of the principal Act is amended by deleting the word “SCHEME” and substituting therefor the word “FUND”.

Repeal and
replacement of
section 3 of Cap.
189A.

2B. The principal Act is amended by deleting section 3 and substituting therefor the following new section—

Establishment of the
Public Service
Superannuation Fund.

3. (1) There is established a Fund to be known as the Public Service Superannuation Fund, which shall vest in and be operated and managed by the Board.

Cap. 197.

(2) The Fund shall be a retirement benefits scheme within the meaning of the Retirement Benefits Act.

(3) There shall be paid—

(a) into the Fund, all contributions and any other payments required by this Act to be paid into the Fund; and

(b) out of the Fund, all the benefits and any other payments required under the provisions of this Act to be paid out of the Fund.

Repeal and
replacement of
section 4 of Cap.
189A.

2C. The principal Act is amended by deleting section 4 and substituting therefor the following new section—

Object and purpose of
the Fund.

4. The object and purpose of the Fund shall
be to—

- (a) pay retirement benefits to members of the Fund;
- (b) ensure that every member of the Fund receives his or her retirement benefits as and when they become due;
- (c) assist to improve the social security of members of the Fund by ensuring that the members save in order to cater for their livelihood during their retirement; and
- (d) establish a uniform set of rules, regulations and standards for the administration and payment of retirement benefits for members of the Fund.

CLAUSE 3

THAT, the Bill be amended by deleting Clause 3 and substituting therefor the following new Clause—

Repeal and
replacement of
section 5 of Cap.
189A.

3. The principal Act is amended by deleting section 5 and substituting therefor the following new section—

Membership of the
Fund.

5. (1) A person shall be a member of the
Fund if the person—

- (a) at the commencement of this Act, is employed in the public service on permanent and pensionable establishment and—
 - (i) has not attained the age of forty-five years;
 - (ii) has attained the age of forty-five years and opts, within three months of such commencement or such longer period as the Cabinet Secretary may, by notice in the *Gazette*, prescribe, that this Act shall apply to him;
- (b) joins the public service on or after the commencement of this Act on a permanent and pensionable establishment; or

(c) is engaged by the public service on a fixed-term contract and opts to be a member of the Fund for purposes of gratuity management.

(2) The law to be applied with respect to the retirement benefits of a person in the public service at the commencement of this Act who does not, where required, opt for the application of this Act under subsection (1)(a), shall be the law in force when that period of service commenced.

(3) A member, other than a deferred member or a member who has retired and has opted to be paid benefits under section 28, who for any reason leaves the public service shall cease to be a member of the Fund.

CLAUSE 4

THAT, the Bill be amended by deleting Clause 4 and substituting therefor the following new Clause—

Repeal and
replacement of
section 6 of Cap.
189A.

4. The principal Act is amended by deleting section 6 and substituting therefor the following new section—

Mandatory contribution
to the Fund.

6. (1) A member employed on permanent and pensionable establishment shall contribute to the Fund at the rate of not less than seven and a half percent which shall be deducted from his monthly pensionable emoluments:

Provided that where the employer fails to deduct or remit a member's contribution, the sum may be recovered in the subsequent months and a penalty at the rate of the return of the Fund for the previous financial year shall be payable by the employer.

(2) The employer shall contribute for each member of the Fund at the rate of at least fifteen percent of the member's monthly pensionable emoluments:

Provided that where the employer fails to remit a contribution in any month, a penalty at the rate of the return of the Fund for the previous financial year shall apply on the unpaid amount.

(3) The Cabinet Secretary may, by notice in the *Gazette*, vary the rates in subsections (1) and (2) after consultations with the members and the Board.

(4) The employer's contributions under subsection (2) with respect to the Public Service Commission, the Teachers Service Commission and the disciplined services shall be a direct charge on the Consolidated Fund.

(5) The employer shall not later than ten working days after the end of the month in which the contributions are due, remit an amount comprising the member's and the employer's contribution to the Fund.

(6) In addition to the contributions specified in subsections (1) and (2), an employer shall take out and maintain a life insurance policy that has disability benefits in favour of every member of the Fund, for a minimum of five times of the member's annual pensionable emoluments.

NEW CLAUSE 4A

THAT, the Bill be amended by inserting the following new Clause immediately after Clause 4—

Insertion of new
section 6A in
Cap. 189A.

4A. The principal Act is amended by inserting the following new section immediately after section 6—

Remittance of gratuity.

6A. An employer shall, upon the written request of an employee engaged on a fixed term contract, remit the employee's monthly accrued gratuity into the employee's retirement savings account.

CLAUSE 5

THAT, Bill be amended by deleting Clause 5 and substituting therefor the following new Clause—

Repeal and
replacement of
section 7 of Cap.
189A.

5. The principal Act is amended by deleting section 7 and substituting therefor the following new section—

Additional voluntary
contributions.

7. (1) Subject to such guidelines as the Board may, from time to time issue, a member may make additional voluntary contributions to the Fund.

(2) Subject to any guidelines issued under subsection (1), a member may—

(a) instruct the employer to deduct the additional voluntary contribution from his monthly salary; or

(b) remit additional voluntary contribution directly to the Fund.

CLAUSE 6

THAT, Bill be amended by deleting Clause 6.

CLAUSE 7

THAT, the Bill be amended by deleting Clause 7.

CLAUSE 8

THAT, the Bill be amended by deleting Clause 8.

CLAUSE 9

THAT, the Bill be amended by deleting Clause 9 and substituting therefor the following new Clause—

Amendment of
title to Part III of
Cap. 189A.

9. The principal Act is amended by deleting the title to Part III and substituting therefor the following new title—

**PART III—THE BOARD OF TRUSTEES OF THE
PUBLIC SERVICE SUPERANNUATION FUND**

CLAUSE 11

THAT, the Bill be amended in Clause 11—

(a) by deleting the marginal note and substituting therefor the following new marginal note—

Amendment of section 10 of Cap. 189A;

(b) in paragraph (a), by deleting the proposed new subsection (1) and substituting therefor the following new subsection—

“(1) There is established a board of trustees of the Fund to be known as Public Service Superannuation Fund Board of Trustees, which shall consist of—

(a) a Chairperson who shall be appointed by the Cabinet Secretary and who—

(i) has a bachelor’s degree in human resource, pension administration, actuarial science, banking, insurance, finance, accounting, economics, auditing, law or any other relevant field;

(ii) has an aggregate of at least twenty years’ experience, ten of which should have been served in a senior management position in a relevant field; and

(iii) is not in the service of any employers’ or worker’s representatives or any person affiliated to any of the organizations represented on the Board.

(b) one person nominated by the Principal Secretary in the Ministry for the time being responsible for matters relating to finance;

(c) one person nominated by the Secretary to the Teachers Service Commission;

(d) one person nominated by the Secretary to the Public Service Commission;

(e) one person nominated by the Secretary to the National Police Service Commission;

(f) one person nominated by the Kenya National Union of Teachers;

(g) one person nominated by the Kenya Union of Post Primary Education Teachers

(h) one person nominated by the Union of Kenya Civil Servants;

(i) one person nominated by employees of the Disciplined Services;

- (j) two independent persons who are not public officers appointed by the Cabinet Secretary; and
- (k) the Chief Executive Officer appointed under section 20, who shall be an *ex-officio* member with no voting rights.”
- (c) in paragraph (b), by inserting the following new subsections immediately after the proposed subsection (1B)—

(1C) The Trustees shall be appointed by the Cabinet Secretary through a notice in the *Gazette*.

(1D) The Cabinet Secretary shall, in appointing the Board of Trustees under subsection (1), ensure that not more than two-thirds of the appointees are of the same gender and that the appointments reflect an appropriate mix of qualifications and the regional and ethnic diversity of Kenya.

NEW CLAUSES 11A AND 11B

THAT, the Bill be amended by inserting the following new Clauses immediately after Clause 11—

Amendment of
section 11 of
Cap. 189A.

11A. Section 11 of the principal Act is amended—

- (a) in paragraph (d), by deleting the word “Scheme” appearing immediately after the words “members of the” and substituting therefor the word “Fund”; and
- (b) in paragraph (e), by deleting the word “Scheme” appearing immediately after the words “adjustments in the” and substituting therefor the word “Fund”.

Amendment of
section 12 of
Cap. 189A.

11B. Section 12 of the principal Act is amended by deleting subsection (1) and substituting therefor the following new subsection—

(1) The Trustees appointed under section 10 shall be appointed by virtue of their knowledge or experience in matters relating to human resource, pension administration, actuarial science, banking, insurance, finance, accounting, economics, audit, law or any other relevant field.

CLAUSE 12

THAT, the Bill be amended by deleting Clause 12 and substituting therefor the following new Clause—

Amendment of
section 13 of Cap.
189A.

12. Section 13 of the principal Act is amended—

- (a) in subsection (1), by deleting subsection (1) and substituting therefor the following new subsection—

(1) The Chairperson and the Trustees appointed under section 10 shall hold office for a term of five years and may be eligible for re-appointment for one further term subject to satisfactory performance.

- (b) in subsection (2), by deleting paragraph (c) and substituting therefor the following new paragraphs—
- (c) (c) is convicted of an offence under this Act or any other written law and sentenced to imprisonment for a term exceeding six months without the option of a fine;
- (d) (ca) is convicted of an offence involving dishonesty, fraud, corruption, misappropriation of public funds or an economic crime under any written law; or”.

NEW CLAUSE 12A

THAT, the Bill be amended by inserting the following new Clause immediately after Clause 12—

Amendment of
section 14 of
Cap. 189A.

12A. The principal Act is amended by deleting section 14 and substituting therefor the following new section—

Filling of
vacancy.

14. Whenever the office of a Trustee appointed under section 10(1) becomes vacant before the expiry of the Trustee’s term of office, the Cabinet Secretary shall, on the recommendation of the nominating body, appoint a person similarly qualified to fill the vacant position.

NEW CLAUSE 13A

THAT, the Bill be amended by inserting the following new Clause immediately after Clause 13—

Amendment of
section 19 of
Cap. 189A.

13A. The principal Act is amended by deleting section 19 and substituting therefor the following new section —

Powers of
the Board.

19. (1) In the exercise of its functions, the Board shall be accountable to the employer and to the members of the Fund.

(2) The Board shall have all powers necessary for the proper performance of its functions under this Act and in particular, the Board shall have the power to—

- (a) control, supervise and administer the assets of the Fund in such manner and for such purposes as best promote the purpose of providing retirement benefits for members of the Fund;
- (b) determine the provisions to be made for capital and recurrent expenditure and for reserves of the Fund;
- (c) receive contributions from members and authorize the custody, investment and administration of these contributions and the payment of retirement benefits as provided under this Act;

- (d) enter into association with such other bodies or organizations within or outside Kenya as the Board may consider desirable or appropriate and in furtherance of the purpose for which the Fund is established;
- (e) subcontract any of its functions to a person or firm with proven experience in the particular function being subcontracted;
- (f) give such direction as it may consider necessary to give effect to the provisions of this Act; and
- (g) do such other things as are necessary to give effect to the provisions of this Act.

CLAUSE 14

THAT, the Bill be amended by deleting Clause 14 and substituting therefor the following new Clause—

Amendment of
section 20 of
Cap. 189A.

14. Section 20 of the principal Act is amended by deleting subsection (2) and substituting therefor the following new subsections—

(2) A person shall qualify for appointment as a Chief Executive Officer, if such person—

- (a) holds a bachelor's degree in pension administration, actuarial science, banking, insurance, finance, accounting, economics, auditing, law, human resource or any other relevant field from a university recognized in Kenya;
- (b) has at least ten years work experience in a relevant field;
- (c) has served in a position of senior management for a period of at least five years;
- (d) meets the requirements of Chapter Six of the Constitution; and
- (e) is approved by the Retirement Benefits Authority as a fit and proper person to manage the affairs of the Fund.

(2A) The Chief Executive Officer shall hold office for a term of five years and shall be eligible for reappointment for one further term upon satisfactory performance.

NEW CLAUSE 14A

THAT, the Bill be amended by inserting the following new Clause immediately after Clause 14—

Amendment of
section 21 of
Cap. 189A.

14A. Section 21 of the principal Act is amended in the marginal note by deleting the word “Board” and substituting therefor the word “Fund”.

CLAUSE 15

THAT, the Bill be amended by deleting Clause 15.

NEW CLAUSE 15A AND 15B

THAT, the Bill be amended by inserting the following new clauses immediately after Clause 15—

Amendment of
section 23 of
Cap. 189A.

15A. Section 23 of the principal Act is amended in subsection (2) by inserting the words “by the Chairperson or the Chief Executive Officer” immediately after the word “authenticated”.

Amendment of
section 24 of
Cap. 189A.

15B. Section 24 of the principal Act is amended in subsection (3) by deleting the word “Government” appearing immediately after the words “in respect of whom the” and substituting therefor the word “employer”.

CLAUSE 16

THAT, the Bill be amended by deleting Clause 16 and substituting therefor the following new Clause—

Amendment
of section 25
of Cap.
189A

16. The principal Act is amended by deleting section 25 and substituting therefor the following new section—

Vesting of
benefits.

25. The benefits derived from the contributions made by a member and the employer together with the accrued interest thereon shall immediately vest in the member.

CLAUSE 17

THAT, the Bill be amended by deleting Clause 17 and substituting therefor the following new Clause—

Amendment
of section 26
of Cap.
189A

17. The principal Act is amended by deleting section 26 and substituting therefor the following new section—

Withdrawal
before
retirement.
Cap. 197.

26. A member may withdraw the accrued retirement savings on leaving employment before retirement in accordance with the Retirement Benefits Act and regulations made thereunder.

CLAUSE 18

THAT, the Bill be amended by deleting Clause 18 and substituting therefor the following new Cause—

Amendment
of section 27
of Cap. 189A

18. The principal Act is amended by deleting section 27 and substituting therefor the following new section—

Withdrawal
on retirement.

27. (1) Notwithstanding the provisions of section 26, a member shall be entitled to make withdrawals in accordance with section 28 where the member retires—

- (a) on attaining the age of sixty years, or where his exact date of birth is not known, on the 1st July in the year in which his sixtieth birthday is deemed by the Board to occur, which shall be the normal retirement age;
- (b) on attaining the age of fifty years;
- (c) before attaining the age of fifty years in accordance with the terms and conditions of his employment;
- (d) from the disciplined services, on completion of service of a period exceeding twelve years but not exceeding twenty years after the officer, gives at least one month's notice in writing of his intention to retire;
- (e) on the abolition of his office; or
- (f) on the advice of a Medical Board appointed by the Director of Medical Services certifying that the member is no longer mentally or physically capable of carrying out the functions of his office.

(2) The Medical Board may at the request of the employer review the fitness of a member who retires under subsection (1)(f) and where the Medical Board certifies that the member is then mentally and physically capable of carrying out the functions of his office, the member may re- enter the Fund upon securing another employment with the employer.

(3) The proof of age of a retiring member for the purposes of subsection (1) shall be the birth certificate submitted by such member at the time of joining the service.

CLAUSE 19

THAT, the Bill be amended by deleting Clause 19 and substituting therefor the following new Clause—

Amendment
of section 28
of Cap. 189A

19. Section 28 of the principal Act is amended—

- (a) in the proviso to subsection (1) by deleting the word “Scheme” appearing immediately after the words “contributions made into the” and substituting therefor the word “Fund”;
- (b) in subsection (2) by deleting paragraph (a) and substituting therefor the following new paragraph—
 - “(a) monthly or quarterly withdrawals from an Income Drawdown Plan; or”
- (c) in subsection (3)—
 - (i) in paragraph (a)(i) by deleting the word “Government” appearing immediately before the words “debt due to the” and substituting therefor the word “employer”; and
 - (ii) in paragraph (b) by deleting the word “Government” appearing immediately before the words “debt due to the” and substituting therefor the word “employer”.

NEW CLAUSE 19A

THAT, the Bill be amended by inserting the following new Clause immediately after Clause 19—

Amendment of
section 29 of
Cap. 189A.

19A. Section 29 of the principal Act is amended in subsection (3) by deleting the word “Scheme” appearing immediately before the words “against the” and substituting therefor the word “Fund”.

NEW CLAUSE 23A

THAT, the Bill be amended by inserting the following new Clause immediately after Clause 23—

Repeal and
replacement of
section 34 of
Cap. 189A.

23A. The principal Act is amended by deleting section 34 and substituting therefor the following new section—

Prohibited payments
out of the Fund.

34. No payment shall be made out of the Fund—

- (a) to the employer without prior written consent of the Retirement Benefits Authority;
- (b) to a member while he or she is still in public service; or
- (c) to any person as a loan, advance or other similar benefit or payment except as provided under section 28.

CLAUSE 25

THAT, the Bill be amended by deleting Clause 25 and substituting therefor the following new Clause—

Repeal and
replacement of
section 34 of
Cap. 189A.

25. The principal Act is amended by deleting section 36 and substituting therefor the following new section—

Appointment and
functions of the
Manager.
Cap. 197.

36. (1) The Board shall appoint a manager of the Fund who shall, in accordance with the Retirement Benefits Act—

- (a) develop an investment strategy for the Fund for the approval of the Board;
- (b) invest and manage the assets of the Fund in accordance with the provisions of this Act and the Retirement Benefits Act;
- (c) maintain books of account on all transactions relating to the Fund; and
- (d) provide regular information on investment strategy, market returns and other performance indicators to the Board for the benefit of members of the Fund.

(2) The terms of the manager shall be determined by the Board and set out in a written instrument:

Provided that the period of service of the manager shall not exceed three years but may be renewed subject to satisfactory performance.

(3) A manager shall be entitled to an annual management fee not exceeding zero-point one percent of the value of assets of the Fund under their management.

(4) Despite the provisions of subsection (1), the Board may directly manage not more than fifteen percent of the assets of the Fund, on condition that it satisfies to the Retirement Benefits Authority that—

- (a) the persons responsible for the management of the assets possess the qualifications, experience and competence prescribed by the Authority;
- (b) the Fund has adequate investment management systems, governance arrangements and internal controls; and
- (c) the Fund complies with such other requirements as may be prescribed.

CLAUSE 26

THAT, the Bill be amended by deleting Clause 26 and substituting therefor the following new Clause—

Amendment of
section 37 of
Cap. 189A.

37. Section 37 of the principal Act is amended by—

- (a) renumbering the existing provision as subsection (1);
- (b) inserting the following new subsections after subsection (1)—

(2) The terms of appointment of a custodian shall be determined by the Board and set out in a written instrument: Provided that the period of service of a custodian shall not exceed three years but may be renewed subject to satisfactory performance,

(3) A custodian shall be entitled to an annual fee of not exceeding zero-point zero one percent of the value of assets of the Fund.

NEW CLAUSE 26A

THAT, the Bill be amended by inserting the following new Clause immediately after Clause 26—

Repeal and
replacement of
section 38 of Cap.
189A.

26A. The principal Act is amended by deleting section 38 and substituting therefor the following new section—

Duty of care.

38. The administrator, manager and custodian shall—

- (a) ensure that the Fund is at all times managed or held in accordance with the provisions of this Act, the regulations or guidelines made under this Act and any directions issued by the Retirement Benefits Authority;
- (b) take reasonable care to ensure that the management of the Fund or safe keeping of the assets of the Fund is carried out in the best interests of the members;

- (c) report to the Board, as soon as is reasonably practicable, any unusual occurrence with respect to the Fund which in their view could adversely affect the rights of the owner of a retirement savings account under the Fund; and
- (d) report to the Board, as soon as is reasonably practicable, if the employer is in default if remittance of any contributions and such remains due for more than ten days.

CLAUSE 27

THAT, the Bill be amended by deleting Clause 27 and substituting therefor the following new Clause—

Insertion of new
section 38A in
Cap. 189A.

25. The principal Act is amended by inserting the following new section immediately after section 38—

Annual General
Meeting of the Fund.

38A. (1) The Board shall, within six months of the end of a financial year of the Fund, convene a general meeting of the members.

Cap. 197.

(2) The general meeting shall be conducted in accordance with the provisions of the Retirement Benefits Act and the regulations prescribed under this Act.

CLAUSE 28

THAT, the Bill be amended by deleting Clause 28 and substituting therefor the following new Clause—

Repeal and
replacement of section
39 of Cap. 189A.

28. The principal Act is amended by deleting section 39 and substituting therefor the following new section—

Administrative
expenses of the
Fund.

39. (1) The Board shall meet the administrative expenses of the Fund from the Fund.

(2) The administrative expenses referred to in subsection (1) shall not exceed one percent of the total assets of the Fund.

(3) The Board shall open an account into which the funds to be used for defraying the administrative expenses shall be paid.

CLAUSE 30

THAT, the Bill be amended by deleting Clause 30 and substituting therefor the following new Clause—

Amendment of
section 41 of
Cap. 189A.

30. Section 41 of the principal Act is amended by deleting subsection (1) and substituting therefor the following new subsection—

(1) The Board shall maintain a reserve account of the Fund into which shall be deposited—

- (a) any special contribution paid into the Fund by an employer for the purpose of improving the benefits of the members; and
- (b) any income of the Fund that the Board determines should be set aside to stabilise the returns to members subject to a maximum of ten percent of such income:

Provided that no money shall be drawn out of the reserve account except as directed by the Board.

CLAUSE 31

THAT, Clause 31 of the Bill be amended—

- (a) by deleting paragraph (a);
- (b) by deleting paragraph (c) and substituting therefor the following new paragraph

—

“(c) in subsection (3) by—

- (i) deleting paragraph (a) and substituting therefor the following new paragraph—

(a) the payment of the Board expenses, employees’ salaries, allowances and other charges in respect of the staff of the Board; and

- (ii) deleting the word “Scheme” in paragraph (f) and substituting therefor the word “Fund”.”

CLAUSE 32

THAT, the Bill be amended by deleting Clause 32 and substituting therefor the following new Clause—

Amendment of
section 44 of Cap.
189A.

32. Section 44 of the principal Act is amended in subsection (2) by inserting the words “and an auditor appointed by the Board” immediately after the expression “Public Audit Act (Cap. 412B)”.

CLAUSE 34

THAT, the Bill be amended by deleting Clause 34.

CLAUSE 35

THAT, the Bill be amended by deleting Clause 35 and substituting therefor the following new Clause—

Repeal and
replacement of
section 50 of
Cap. 189A.

35. The principal Act is amended by deleting section 50 and substituting therefor the following new section—

Right to retirement
benefits before
commencement of
this Act.

- 50.** (1) The right to retirement benefits of a member who was, as at 1st January 2021, already covered under any other pension scheme existing before 1st January 2021 and whose benefit were payable under the Pensions Act the Pensions Act and the Widows and Children Pensions Scheme Act, for the duration of pensionable service before 1st January 2021, shall accrue under that pension scheme.
- (2) The National Treasury shall—
- (a) determine the value of benefits relating to service before the commencement of the Fund through an actuarial valuation as at the date of joining the Fund;
- (b) revalue the benefits determined under paragraph (a) at a rate of five percent per year or such other rate as may be determined by an actuary from 1st January 2021 up to the date of payment or transfer to the Fund, provided that such rate shall not disadvantage the member or reduce the accrued benefits; and
- (c) within six (6) months of the commencement of this Act, issue a letter recognizing accrued benefits as at 31st December 2020.

(3) Notwithstanding subsection (1) and (2) or the provisions of any other written law, the National Treasury may transfer the accrued benefits to the Fund to be administered and paid to the member in accordance with the provisions of sections 27 and 28 of this Act.

(4) Where a transfer is made under subsection (3), the transferred benefits shall be credited to the member's retirement savings account and the National Treasury may phase such transfer, during which any outstanding balance shall continue to be revalued at the rate prescribed in subsection (2)(b).

CLAUSE 36

THAT, the Bill be amended by deleting Clause 36 and substituting therefor the following new Clause—

Amendment of
section 55 of
Cap. 189A.

36. Section 55 of the principal Act is amended by inserting the following new paragraph immediately after paragraph (b)—

- (c) the establishment of a post-retirement medical fund, a mortgage facility and such other retirement products or benefits as may be provided by the Fund subject to the approval of the Retirement Benefits Authority.

CLAUSE 37

THAT, the Bill be amended by deleting Clause 37.

CLAUSE 39

THAT, the Bill be amended by deleting Clause 39.

NEW CLAUSE 40A

THAT, the Bill be amended by inserting the following new Clause after Clause 40—

Insertion on new
section 40A in
Cap. 197.

40A. The Retirement Benefits Act is amended by inserting the following new section immediately after section 40—

Fees of a manager
and custodian.

40A. (1) A manager registered under this Act shall be entitled to an annual fee not exceeding zero-point one percent of the value of assets of the Fund under their management.

(2) A custodian registered under this Act shall be entitled to an annual fee of not exceeding zero-point zero one percent of the value of assets of the Fund.

CLAUSE 41

THAT, the Bill be amended by deleting Clause 41.

NEW CLAUSE 42

THAT, the Bill be amended by inserting the following new Clause immediately after Clause 41—

Saving
transition. and

42. (1) A member of the Public Service Superannuation Scheme immediately before the commencement of this Act shall be a member of the Public Service Superannuation Fund.

(2) A person who is a member of the Board of Trustees of the Public Service Superannuation Fund immediately before the commencement of this Act shall continue to be a member of Board of Trustees of the Fund for the remainder of their unexpired term.

(3) A person who is an employee of the Board of Trustees of the Public Service Superannuation Fund immediately before the commencement of this Act shall continue to serve as an employee of the Fund under their respective terms of employment.

(4) All funds, assets and other property which immediately before the commencement of this Act were held by or on behalf of the Public Service Superannuation Scheme shall vest in the Public Service Superannuation Fund.

(3) All rights, duties and liabilities arising under any written law or otherwise, which immediately before the commencement of this Act were accruing, imposed or enforceable by or against the Public Service Superannuation Scheme shall vest in, be imposed on, or be enforceable against the Public Service Superannuation Fund.

(4) Any suit or legal proceedings by or against the Public Service Superannuation Scheme shall continue as if they were instituted by or against the Public Service Superannuation Fund and no such suit, action or legal proceedings shall abate or be terminated by the virtue of the provisions of this Act.

2) **Notice is given that the Chairperson of the Departmental Committee on Social Protection intends to move the following amendments to the Public Service Superannuation Scheme (Amendment) Bill, 2025 at the Committee stage**

CLAUSE 1

THAT, Clause 1 of the Bill be amended by deleting the word “Scheme” appearing immediately after the word “Superannuation” and substituting therefor the word “Fund”;

CLAUSE 2

THAT, Clause 2 of the Bill be amended—

(a) in paragraph (a), by—

(i) inserting the following new definition in proper alphabetical sequence—

“adherence agreement” means an agreement in writing made between an employer and the Board which forms the basis upon which an employer is admitted to join and participate in the provision of retirement benefits to its employees under the Act;

(ii) deleting the word “Scheme” in the proposed new definition of “beneficiary” and substituting therefor the word “Fund”;

(iii) deleting the word “Scheme” in the proposed new definition of “deferred member” and substituting therefor the word “Fund”;

- (iv) deleting the proposed definition of “employer” and substituting therefor the following new definition—
 - “employer” means—
 - (f) the Teachers Service Commission;
 - (g) the National Police Service Commission or an authorized officer duly appointed by the National Police Service Commission;
 - (h) the Public Service Commission or an authorized officer duly appointed by the Public Service Commission;
 - (i) any other national government entity that the Cabinet Secretary may determine to be public service for the purposes of this Act; and
 - (j) any other entity that the Cabinet Secretary may determine to be an eligible employer for the purposes of this Act.
- (b) in paragraph (b), by deleting the word “Scheme” in the proposed new definition of “administrator” and substituting therefor the word “Fund”;
- (c) inserting the following new paragraphs after paragraph (b)—
 - (c) deleting the definition of “contribution” and substituting therefor the following new definition—
 - “contribution” means the amount payable by a member and an employer into the Fund;
 - (d) in the definition of “Fund”, by deleting the expression “section 9” appearing immediately after the words “established under” and substituting therefor the expression “section 3”;
 - (e) in the definition of “member” by deleting the word “Scheme” appearing immediately before the expression “under section 5” and substituting therefor the word “Fund”;
 - (f) deleting the definition of “notional interest”;
 - (g) deleting the definition of “pensionable emoluments” and substituting therefor the following new definition—
 - “pensionable emoluments” means the basic salary of a member;
 - (h) deleting the definition of “Scheme”.

NEW CLAUSE 2A, 2B AND 2C

THAT, the Bill be amended by inserting the following new Clauses immediately after Clause 2—

Amendment of title
to Part II of Cap.
189A.

2A. The title to Part II of the principal Act is amended by deleting the word “SCHEME” and substituting therefor the word “FUND”.

Repeal and
replacement of
section 3 of Cap.
189A.

2B. The principal Act is amended by deleting section 3 and substituting therefor the following new section—

Establishment of the Public
Service Superannuation
Fund.

3. (1) There is established a Fund to be known as the Public Service Superannuation Fund, which shall vest in and be operated and managed by the Board.

Cap. 197.

(2) The Fund shall be a retirement benefits scheme within the meaning of the Retirement Benefits Act.

(3) There shall be paid—

(c) into the Fund, all contributions and any other payments required by this Act to be paid into the Fund; and

(d) out of the Fund, all the benefits and any other payments required under the provisions of this Act to be paid out of the Fund.

Repeal and
replacement of
section 4 of Cap.
189A.

2C. The principal Act is amended by deleting section 4 and substituting therefor the following new section—

Object and purpose of the
Fund.

4. The object and purpose of the Fund shall be to—

(e) pay retirement benefits to members of the Fund;

(f) ensure that every member of the Fund receives his or her retirement benefits as and when they become due;

(g) assist to improve the social security of members of the Fund by ensuring that the members save in order to cater for their livelihood during their retirement; and

(h) establish a uniform set of rules, regulations and standards for the administration and payment of retirement benefits for members of the Fund.

CLAUSE 3

THAT, the Bill be amended by deleting Clause 3 and substituting therefor the following new Clause—

Repeal and
replacement of
section 5 of Cap.
189A.

3. The principal Act is amended by deleting section 5 and substituting therefor the following new section—

Membership of the
Fund.

5. (1) A person shall be a member of the Fund if the person—

(d) at the commencement of this Act, is employed in the public service on permanent and pensionable establishment and—

(iii) has not attained the age of forty-five years;

(iv) has attained the age of forty-five years and opts, within three months of such commencement or such longer period as the Cabinet Secretary may, by notice in the *Gazette*, prescribe, that this Act shall apply to him;

(e) joins the public service on or after the commencement of this Act on a permanent and pensionable establishment; or

(f) is engaged by the public service on a fixed-term contract and opts to be a member of the Fund for purposes of gratuity management.

(2) The law to be applied with respect to the retirement benefits of a person in the public service at the commencement of this Act who does not, where required, opt for the application of this Act under subsection (1)(a), shall be the law in force when that period of service commenced.

(3) A member, other than a deferred member or a member who has retired and has opted to be paid benefits under section 28, who for any reason leaves the public service shall cease to be a member of the Fund.

CLAUSE 4

THAT, the Bill be amended by deleting Clause 4 and substituting therefor the following new Clause—

Repeal and
replacement of
section 6 of Cap.
189A.

4. The principal Act is amended by deleting section 6 and substituting therefor the following new section—

Mandatory contribution
to the Fund.

6. (1) A member employed on permanent and pensionable establishment shall contribute to the Fund at the rate of not less than seven and a half percent which shall be deducted from his monthly pensionable emoluments:

Provided that where the employer fails to deduct or remit a member's contribution, the sum may be recovered in the subsequent months and a penalty at the rate of the return of the Fund for the previous financial year shall be payable by the employer.

(2) The employer shall contribute for each member of the Fund at the rate of at least fifteen percent of the member's monthly pensionable emoluments:

Provided that where the employer fails to remit a contribution in any month, a penalty at the rate of the return of the Fund for the previous financial year shall apply on the unpaid amount.

(3) The Cabinet Secretary may, by notice in the *Gazette*, vary the rates in subsections (1) and (2) after consultations with the members and the Board.

(4) The employer's contributions under subsection (2) with respect to the Public Service Commission, the Teachers Service Commission and the disciplined services shall be a direct charge on the Consolidated Fund.

(5) The employer shall not later than ten working days after the end of the month in which the contributions are due, remit an amount comprising the member's and the employer's contribution to the Fund.

(6) In addition to the contributions specified in subsections (1) and (2), an employer shall take out and maintain a life insurance policy that has disability benefits in favour of every member of the Fund, for a minimum of five times of the member's annual pensionable emoluments.

NEW CLAUSE 4A

THAT, the Bill be amended by inserting the following new Clause immediately after Clause 4—

Insertion of new
section 6A in
Cap. 189A.

4. The principal Act is amended by inserting the following new section immediately after section 6—

Remittance of gratuity.

6A. An employer shall, upon the written request of an employee engaged on a fixed term contract, remit the employee's monthly accrued gratuity into the employee's retirement savings account.

CLAUSE 5

THAT, Bill be amended by deleting Clause 5 and substituting therefor the following new Clause—

Repeal and
replacement of
section 7 of Cap.
189A.

5. The principal Act is amended by deleting section 7 and substituting therefor the following new section—

Additional voluntary
contributions.

7. (1) Subject to such guidelines as the Board may, from time to time issue, a member may make additional voluntary contributions to the Fund.

(2) Subject to any guidelines issued under subsection (1), a member may—

(c) instruct the employer to deduct the additional voluntary contribution from his monthly salary; or

(d) remit additional voluntary contribution directly to the Fund.

CLAUSE 6

THAT, Bill be amended by deleting Clause 6.

CLAUSE 7

THAT, Bill be amended by deleting Clause 7.

CLAUSE 8

THAT, Bill be amended by deleting Clause 8.

CLAUSE 9

THAT, the Bill be amended by deleting Clause 9 and substituting therefor the following new Clause—

Amendment of
title to Part III of
Cap. 189A.

9. The principal Act is amended by deleting the title to Part III and substituting therefor the following new title—

**PART III—THE BOARD OF TRUSTEES OF THE
PUBLIC SERVICE SUPERANNUATION FUND**

CLAUSE 11

THAT, the Bill be amended in Clause 11—

(a) by deleting the marginal note and substituting therefor the following new marginal note—

Amendment of section 10 of Cap. 189A;

(b) in paragraph (a), by deleting the proposed new subsection (1) and substituting therefor the following new subsection—

(1) There is established a board of trustees of the Fund to be known as Public Service Superannuation Fund Board of Trustees, which shall consist of—

(l) a Chairperson who shall be appointed by the Cabinet Secretary and who—

- (i) has a bachelor's degree in human resource, pension administration, actuarial science, banking, insurance, finance, accounting, economics, auditing, law or any other relevant field;
- (ii) has an aggregate of at least twenty years' experience, ten of which should have been served in a senior management position in a relevant field; and
- (iii) is not in the service of any employers' or worker's representatives or any person affiliated to any of the organizations represented on the Board.
- (m) one person nominated by the Principal Secretary in the Ministry for the time being responsible for matters relating to finance;
- (n) one person nominated by the Secretary to the Teachers Service Commission;
- (o) one person nominated by the Secretary to the Public Service Commission;
- (p) one person nominated by the Secretary to the National Police Service Commission;
- (q) one person nominated by the Kenya National Union of Teachers;
- (r) one person nominated by the Kenya Union of Post Primary Education Teachers
- (s) one person nominated by the Union of Kenya Civil Servants;
- (t) one person nominated by employees of the Disciplined Services;
- (u) two independent persons who are not public officers appointed by the Cabinet Secretary; and
- (v) the Chief Executive Officer appointed under section 20, who shall be an *ex-officio* member with no voting rights; and
- (c) in paragraph (b), by inserting the following new subsections immediately after the proposed subsection (1B)—

(1C) The Trustees shall be appointed by the Cabinet Secretary through a notice in the *Gazette*.

(1D) The Cabinet Secretary shall, in appointing the Board of Trustees under subsection (1), ensure that not more than two-thirds of the appointees are of the same gender and that the appointments reflect the regional and ethnic diversity of Kenya.

NEW CLAUSES 11A AND 11B

THAT, the Bill be amended by inserting the following new Clauses immediately after Clause 11—

Amendment of
section 11 of
Cap. 189A.

11A. Section 11 of the principal Act is amended—

- (c) in paragraph (d), by deleting the word “Scheme” appearing immediately after the words “members of the” and substituting therefor the word “Fund”; and

(d) in paragraph (e), by deleting the word “Scheme” appearing immediately after the words “adjustments in the” and substituting therefor the word “Fund”.

Amendment of
section 12 of
Cap. 189A.

11B. Section 12 of the principal Act is amended by deleting subsection (1) and substituting therefor the following new subsection—

(1) The Trustees appointed under section 10 shall be appointed by virtue of their knowledge or experience in matters relating to human resource, pension administration, actuarial science, banking, insurance, finance, accounting, economics, audit, law or any other relevant field.

CLAUSE 12

THAT, the Bill be amended by deleting Clause 12 and substituting therefor the following new Clause—

Amendment of
section 13 of
Cap. 189A.

12. Section 13 of the principal Act is amended—

(e) in subsection (1), by deleting subsection (1) and substituting therefor the following new subsection—

(1) The Chairperson and the Trustees appointed under section 10 shall hold office for a term of five years and may be eligible for re-appointment for one further term subject to satisfactory performance.

(f) in subsection (2), by deleting paragraph (c) and substituting therefor the following new paragraphs—

(c) is convicted of an offence under this Act or any other written law and sentenced to imprisonment for a term exceeding six months without the option of a fine;

(ca) is convicted of an offence involving dishonesty, fraud, corruption, misappropriation of public funds or an economic crime under any written law; or”.

NEW CLAUSE 12A

THAT, the Bill be amended by inserting the following new Clause immediately after Clause 12—

Amendment of
section 14 of
Cap. 189A.

12A. The principal Act is amended by deleting section 14 and substituting therefor the following new section

Filling of
vacancy.

14. Whenever the office of a Trustee appointed under section 10(1) becomes vacant before the expiry of the Trustee's term of office, the Cabinet Secretary shall, on the recommendation of the nominating body, appoint a person similarly qualified to fill the vacant position.

NEW CLAUSE 13A

THAT, the Bill be amended by inserting the following new Clause immediately after Clause 13—

Amendment of
section 19 of
Cap. 189A.

13A. The principal Act is amended by deleting section 19 and substituting therefor the following new section —

Powers of the
Board.

19. (1) In the exercise of its functions, the Board shall be accountable to the employer and to the members of the Fund.

(2) The Board shall have all powers necessary for the proper performance of its functions under this Act and in particular, the Board shall have the power to—

- (a) control, supervise and administer the assets of the Fund in such manner and for such purposes as best promote the purpose of providing retirement benefits for members of the Fund;
- (b) determine the provisions to be made for capital and recurrent expenditure and for reserves of the Fund;
- (c) receive contributions from members and authorize the custody, investment and administration of these contributions and the payment of retirement benefits as provided under this Act;
- (d) enter into association with such other bodies or organizations within or outside Kenya as the Board may consider desirable or appropriate and in furtherance of the purpose for which the Fund is established;
- (e) subcontract any of its functions to a person or firm with proven experience in the particular function being subcontracted;
- (f) give such direction as it may consider necessary to give effect to the provisions of this Act; and
- (g) do such other things as are necessary to give effect to the provisions of this Act.

CLAUSE 14

THAT, the Bill be amended by deleting Clause 14 and substituting therefor the following new Clause—

Amendment of
section 20 of
Cap. 189A.

14. Section 20 of the principal Act is amended by deleting subsection (2) and substituting therefor the following new subsections—

(2) A person shall qualify for appointment as a Chief Executive Officer, if such person—

- (f) holds a bachelor's degree in pension administration, actuarial science, banking, insurance, finance, accounting, economics, auditing, law, human resource or any other relevant field from a university recognized in Kenya;
- (g) has at least ten years work experience in a relevant field;
- (h) has served in a position of senior management for a period of at least five years;
- (i) meets the requirements of Chapter Six of the Constitution; and
- (j) is approved by the Retirement Benefits Authority as a fit and proper person to manage the affairs of the Fund.

(2A) The Chief Executive Officer shall hold office for a term of five years and shall be eligible for reappointment for one further term upon satisfactory performance.

NEW CLAUSE 14A

THAT, the Bill be amended by inserting the following new Clause immediately after Clause 14—

Amendment of
section 21 of
Cap. 189A.

14A. Section 21 of the principal Act is amended in the marginal note by deleting the word “Board” and substituting therefor the word “Fund”.

CLAUSE 15

THAT, the Bill be amended by deleting Clause 15.

NEW CLAUSE 15A AND 15B

THAT, the Bill be amended by inserting the following new clauses immediately after Clause 15—

Amendment of
section 23 of Cap.
189A.

15A. Section 23 of the principal Act is amended in subsection (2) by inserting the words “by the Chairperson or the Chief Executive Officer” immediately after the word “authenticated”.

Amendment of
section 24 of Cap.
189A.

15B. Section 24 of the principal Act is amended in subsection (3) by deleting the word “Government” appearing immediately after the words “in respect of whom the” and substituting therefor the word “employer”.

CLAUSE 16

THAT, the Bill be amended by deleting Clause 16 and substituting therefor the following new Clause—

Amendment
of section 25
of Cap.
189A

16. The principal Act is amended by deleting section 25 and substituting therefor the following new section—

Vesting of
benefits.

25. The benefits derived from the contributions made by a member and the employer together with the accrued interest thereon shall immediately vest in the member.

CLAUSE 17

THAT, the Bill be amended by deleting Clause 17 and substituting therefor the following new Clause—

Amendment
of section 26
of Cap.
189A

17. The principal Act is amended by deleting section 26 and substituting therefor the following new section—

Withdrawal
before
retirement.
Cap. 197.

26. A member may withdraw the accrued retirement savings on leaving employment before retirement in accordance with the Retirement Benefits Act and regulations made thereunder.

CLAUSE 18

THAT, the Bill be amended by deleting Clause 18 and substituting therefor the following new Cause—

Amendment
of section 27
of Cap. 189A

18. The principal Act is amended by deleting section 27 and substituting therefor the following new section—

Withdrawal
on retirement.

27. (1) Notwithstanding the provisions of section 26, a member shall be entitled to make withdrawals in accordance with section 28 where the member retires—

- (g) on attaining the age of sixty years, or where his exact date of birth is not known, on the 1st July in the year in which his sixtieth birthday is deemed by the Board to occur, which shall be the normal retirement age;
- (h) on attaining the age of fifty years;
- (i) before attaining the age of fifty years in accordance with the terms and conditions of his employment;
- (j) from the disciplined services, on completion of service of a period exceeding twelve years but not exceeding twenty years after the officer, gives at least one month's notice in writing of his intention to retire;
- (k) on the abolition of his office; or

- (1) on the advice of a Medical Board appointed by the Director of Medical Services certifying that the member is no longer mentally or physically capable of carrying out the functions of his office.
- (2) The Medical Board may at the request of the employer review the fitness of a member who retires under subsection (1)(f) and where the Medical Board certifies that the member is then mentally and physically capable of carrying out the functions of his office, the member may re- enter the Fund upon securing another employment with the employer.
- (3) The proof of age of a retiring member for the purposes of subsection (1) shall be the birth certificate submitted by such member at the time of joining the service.

CLAUSE 19

THAT, the Bill be amended by deleting Clause 19 and substituting therefor the following new Clause—

Amendment
of section 28
of Cap. 189A

19. Section 28 of the principal Act is amended—

- (c) in the proviso to subsection (1) by deleting the word “Scheme” appearing immediately after the words “contributions made into the” and substituting therefor the word “Fund”;
- (d) in subsection (2) by deleting paragraph (a) and substituting therefor the following new paragraph—
 - “(a) monthly or quarterly withdrawals from an Income Drawdown Plan; or”
- (c) in subsection (3)—
 - (iii) in paragraph (a)(i) by deleting the word “Government” appearing immediately before the words “debt due to the” and substituting therefor the word “employer”;
 - and
 - (iv) in paragraph (b) by deleting the word “Government” appearing immediately before the words “debt due to the” and substituting therefor the word “employer”.

NEW CLAUSE 19A

THAT, the Bill be amended by inserting the following new Clause immediately after Clause 19—

Amendment
of section 29
of Cap. 189A.

19A. Section 29 of the principal Act is amended in subsection (3) by deleting the word “Scheme” appearing immediately before the words “against the” and substituting therefor the word “Fund”.

NEW CLAUSE 23A

THAT, the Bill be amended by inserting the following new Clause immediately after Clause 23—

Repeal and
replacement of
section 34 of
Cap. 189A.

23A. The principal Act is amended by deleting section 34 and substituting therefor the following new section—

Prohibited payments
out of the Fund.

34. No payment shall be made out of the Fund—

- (d) to the employer without prior written consent of the Retirement Benefits Authority;
- (e) to a member while he or she is still in public service; or
- (f) to any person as a loan, advance or other similar benefit or payment except as provided under section 28.

CLAUSE 26

THAT, the Bill be amended by deleting Clause 26 and substituting therefor the following new Clause—

Amendment of
section 37 of
Cap. 189A.

37. Section 37 of the principal Act is amended by—

- (c) renumbering the existing provision as subsection (1);
- (d) inserting the following new subsections after subsection (1)—

(2) The terms of appointment of a custodian shall be determined by the Board and set out in a written instrument: Provided that the period of service of a custodian shall not exceed three years but may be renewed subject to satisfactory performance,

(3) A custodian shall be entitled to an annual fee of not exceeding zero-point zero one percent of the value of assets of the Fund.

NEW CLAUSE 26A

THAT, the Bill be amended by inserting the following new Clause immediately after Clause 26—

Repeal and
replacement of
section 38 of
Cap. 189A.

26A. The principal Act is amended by deleting section 38 and substituting therefor the following new section—

Duty of care.

38. The administrator, manager and custodian shall—

- (a) ensure that the Fund is at all times managed or held in accordance with the provisions of this Act, the regulations or guidelines made under this Act and any directions issued by the Retirement Benefits Authority;
- (b) take reasonable care to ensure that the management of the Fund or safe keeping of the assets of the Fund is carried out in the best interests of the members;
- (c) report to the Board, as soon as is reasonably practicable, any unusual occurrence with respect to the Fund which in their view could adversely affect the rights of the owner of a retirement savings account under the Fund; and
- (d) report to the Board, as soon as is reasonably practicable, if the employer is in default if remittance of nay contributions and such remains due for more than ten days.

CLAUSE 27

THAT, the Bill be amended by deleting Clause 27 and substituting therefor the following new Clause—

Insertion of new
section 38A in
Cap. 189A.

25. The principal Act is amended by inserting the following new section immediately after section 38—

Annual General
Meeting of the Fund.

38A. (1) The Board shall, within six months of the end of a financial year of the Fund, convene a general meeting of the members.

Cap. 197.

(2) The general meeting shall be conducted in accordance with the provisions of the Retirement Benefits Act and the regulations prescribed under this Act.

CLAUSE 28

THAT, the Bill be amended by deleting Clause 28 and substituting therefor the following new Clause—

Repeal and
replacement of
section 39 of
Cap. 189A.

28. The principal Act is amended by deleting section 39 and substituting therefor the following new section—

Administrative
expenses of the
Fund.

39. (1) The Board shall meet the administrative expenses of the Fund from the Fund.

(2) The administrative expenses referred to in subsection (1) shall not exceed one percent of the total assets of the Fund.

(3) The Board shall open an account into which the funds to be used for defraying the administrative expenses shall be paid.

CLAUSE 30

THAT, the Bill be amended by deleting Clause 30 and substituting therefor the following new Clause—

Amendment of
section 41 of
Cap. 189A.

30. Section 41 of the principal Act is amended by deleting subsection (1) and substituting therefor the following new subsection—

(1) The Board shall maintain a reserve account of the Fund into which shall be deposited—

(c) any special contribution paid into the Fund by an employer for the purpose of improving the benefits of the members; and

(d) any income of the Fund that the Board determines should be set aside to stabilise the returns to members subject to a maximum of ten percent of such income:

Provided that no money shall be drawn out of the reserve account except as directed by the Board.

CLAUSE 31

THAT, Clause 31 of the Bill be amended—

(a) by deleting paragraph (a);

(b) by deleting paragraph (c) and substituting therefor the following new paragraph —

“(c) in subsection (3) by—

(iii) deleting paragraph (a) and substituting therefor the following new paragraph—

(b) the payment of the Board expenses, employees’ salaries, allowances and other charges in respect of the staff of the Board; and

(iv) deleting the word “Scheme” in paragraph (f) and substituting therefor the word “Fund”.”

CLAUSE 32

THAT, the Bill be amended by deleting Clause 32 and substituting therefor the following new Clause—

Amendment of
section 44 of Cap.
189A.

32. Section 44 of the principal Act is amended in subsection (2) by inserting the words “and an auditor appointed by the Board” immediately after the expression “Public Audit Act (Cap. 412B)”.

CLAUSE 34

THAT, the Bill be amended by deleting Clause 34.

CLAUSE 35

THAT, the Bill be amended by deleting Clause 35 and substituting therefor the following new Clause—

Repeal and replacement of section 50 of Cap. 189A. **35.** The principal Act is amended by deleting section 50 and substituting therefor the following new section—

Right to retirement benefits before commencement of this Act.

50. (1) The right to retirement benefits of a member who was, as at 1st January 2021, already covered under any other pension scheme existing before 1st January 2021 and whose benefit were payable under the Pensions Act the Pensions Act and the Widows and Children Pensions Scheme Act, for the duration of pensionable service before 1st January 2021, shall accrue under that pension scheme.

(2) The National Treasury shall—

(d) determine the value of benefits relating to service before the commencement of the Fund through an actuarial valuation as at the date of joining the Fund;

(e) revalue the benefits determined under paragraph (a) at a rate of five percent per year or such other rate as may be determined by an actuary from 1st January 2021 up to the date of payment or transfer to the Fund, provided that such rate shall not disadvantage the member or reduce the accrued benefits; and

(f) within six (6) months of the commencement of this Act, issue a letter recognizing accrued benefits as at 31st December 2020.

(3) Notwithstanding subsection (1) and (2) or the provisions of any other written law, the National Treasury may transfer the accrued benefits to the Fund to be administered and paid to the member in accordance with the provisions of sections 27 and 28 of this Act.

(4) Where a transfer is made under subsection (3), the transferred benefits shall be credited to the member's retirement savings account and the National Treasury may phase such transfer, during which any outstanding balance shall continue to be revalued at the rate prescribed in subsection (2)(b).

CLAUSE 36

THAT, the Bill be amended by deleting Clause 36 and substituting therefor the following new Clause—

Amendment of
section 55 of
Cap. 189A.

36. Section 55 of the principal Act is amended by inserting the following new paragraph immediately after paragraph (b)—

(c) the establishment of a post-retirement medical fund, a mortgage facility and such other retirement products or benefits as may be provided by the Fund subject to the approval of the Retirement Benefits Authority.

CLAUSE 37

THAT, the Bill be amended by deleting Clause 37.

CLAUSE 39

THAT, the Bill be amended by deleting Clause 39.

CLAUSE 41

THAT, the Bill be amended by deleting Clause 41.

NEW CLAUSE 42

THAT, the Bill be amended by inserting the following new Clause immediately after Clause 41—

Saving
transition. and

42. (1) A member of the Public Service Superannuation Scheme immediately before the commencement of this Act shall be a member of the Public Service Superannuation Fund.

(2) A person who is a member of the Board of Trustees of the Public Service Superannuation Fund immediately before the commencement of this Act shall continue to be a member of Board of Trustees of the Fund for the remainder of their unexpired term.

(3) A person who is an employee of the Board of Trustees of the Public Service Superannuation Fund immediately before the commencement of this Act shall continue to serve as an employee of the Fund under their respective terms of employment.

(4) All funds, assets and other property which immediately before the commencement of this Act were held by or on behalf of the Public Service Superannuation Scheme shall vest in the Public Service Superannuation Fund.

(3) All rights, duties and liabilities arising under any written law or otherwise, which immediately before the commencement of this Act were accruing, imposed or enforceable by or against the Public Service Superannuation Scheme shall vest in, be imposed on, or be enforceable against the Public Service Superannuation Fund.

(4) Any suit or legal proceedings by or against the Public Service Superannuation Scheme shall continue as if they were instituted by or against the Public Service Superannuation Fund and no such suit, action or legal proceedings shall abate or be terminated by the virtue of the provisions of this Act.

III. THE EAST AFRICAN DEVELOPMENT BANK
(AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO.
33 OF 2026)

Notice is given that the Chairperson of the Departmental Committee on Finance and National Planning intends to move the following amendments to the East African Development Bank (Amendment) Bill, 2026 at the Committee stage—

CLAUSE 2

THAT, Clause 2 of the Bill be amended in the proposed new section 2 by deleting the proposed new subsection (6).

CLAUSE 3

THAT, Clause 3 of the Bill be deleted.

LIMITATION OF DEBATE

The House resolved on Wednesday, February 11, 2026 as follows—

Limitation of Debate on Bills sponsored by Parties or Committees

- IV. THAT**, each speech in a debate on **Bills sponsored by a Committee, the Leader of the Majority Party or the Leader of the Minority Party** be limited as follows:- A maximum of forty five (45) minutes for the Mover, in moving and fifteen minutes (15) in replying, a maximum of thirty (30) minutes for the Chairperson of the relevant Committee (if the Bill is not sponsored by the relevant Committee), and a maximum of ten (10) minutes for any other Member speaking, except the Leader of the Majority Party and the Leader of the Minority Party, who shall be limited to a maximum of fifteen minutes (15) each (if the Bill is not sponsored by either of them); and that priority in speaking be accorded to the Leader of the Majority Party, the Leader of the Minority Party and the Chairperson of the relevant Departmental Committee, in that order.

Limitation of Debate on Audit Committee Reports

- V. THAT**, each speech in debate on **Reports of Audit Committees** be limited as follows:- A maximum of sixty (60) minutes for the Mover in moving and thirty (30) minutes in replying, and a maximum of ten (10) minutes for any other Member speaking, except the Leader of the Majority Party and the Leader of the Minority Party, who shall be limited to a maximum of fifteen (15) minutes each; and that priority be accorded to the Leader of the Majority Party and the Leader of the Minority Party, in that order.

Limitation of Debate on Other Committee Reports

- VI. THAT**, each speech in a debate on **Other Committee Reports**, including a Report of a Joint Committee of the Houses of Parliament or any other Report submitted to the House for which limitation of time has not been specified, be limited as follows:- A maximum of two and a half hours, with not more than twenty (20) minutes for the Mover in moving and five (5) minutes for any other Member speaking, **including** the Leader of the Majority Party and the Leader of the Minority Party and the Chairperson of the relevant Committee (if the Committee Report is not moved by the Chairperson of the relevant Committee), and that ten (10) minutes before the expiry of the time, the Mover shall be called upon to reply; and further that priority in speaking shall be accorded to the Leader of the Majority Party and the Leader of the Minority Party, in that order.

NOTICE PAPER

Tentative business for **Thursday, October 15, 2026**

(Published pursuant to Standing Order 38(1))

It is notified that the following business is tentatively scheduled to appear in the Order Paper for Thursday, October 15, 2026—

A. **MOTION** – **TENTH REPORT ON EXAMINATION OF THE
AUDITED FINANCIAL STATEMENTS OF EGERTON
UNIVERSITY**

(The Chairperson, Public Investments Committee on Governance and Education)

(If not concluded on Wednesday, October 14, 2026 – Afternoon Sitting)

B. **MOTION** – **CONSIDERATION OF THE DRAFT PRIVILEGES AND
IMMUNITIES (AFRICA FINANCE CORPORATION)
ORDER, 2026**

(The Chairperson, Committee on Delegated Legislation)

(If not concluded on Wednesday, October 14, 2026 – Afternoon Sitting)

C. **MOTION** – **CONSIDERATION OF THE DRAFT PRIVILEGES AND
IMMUNITIES (FORD FOUNDATION) ORDER, 2026**

(The Chairperson, Committee on Delegated Legislation)

(If not concluded on Wednesday, October 14, 2026 – Afternoon Sitting)

D. **THE INVESTMENT AND EXPORT PROMOTION AUTHORITY
(AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 37 OF 2026)**

(The Leader of the Majority Party)

Second Reading

(If not concluded on Wednesday, October 14, 2026 – Afternoon Sitting)

E. **THE TOURISM (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL
NO. 41 OF 2026)**

(The Leader of the Majority Party)

Second Reading

(If not concluded on Wednesday, October 14, 2026 – Afternoon Sitting)

F. **THE KENYA ECONOMIC ZONES BILL (NATIONAL ASSEMBLY BILL
NO. 46 OF 2026)**

(The Leader of the Majority Party)

Second Reading

(If not concluded on Wednesday, October 14, 2026 – Afternoon Sitting)

- G. MOTION – THIRTEENTH REPORT ON EXAMINATION OF THE AUDITED FINANCIAL STATEMENTS FOR THREE FUNDS FOR FY 2020/2021 AND 2021/2022**
(The Chairperson, Special Funds Accounts Committee)
(If not concluded on Wednesday, October 14, 2026 – Afternoon Sitting)
- H. MOTION – FOURTH REPORT ON THE STATUS OF IMPLEMENTATION OF THE CONSTITUTION**
(The Chairperson, Constitutional Implementation Oversight Committee)
(If not concluded on Wednesday, October 14, 2026 – Afternoon Sitting)
- I. MOTION- REPORT ON INSPECTION VISITS TO CONSTITUENCY OFFICES IN NAKURU COUNTY**
(The Chairperson, Committee on Members’ Services and Facilities)
(If not concluded on Wednesday, October 14, 2026 – Afternoon Sitting)
- J. MOTION – REPORT ON EXAMINATION OF THE AUDITED FINANCIAL STATEMENTS OF HIGHER LEARNING INSTITUTIONS (EASTERN REGION)**
(The Chairperson, Public Investments Committee on Governance and Education)
(If not concluded on Wednesday, October 14, 2026 – Afternoon Sitting)
- K. MOTION – FIFTH REPORT ON THE IMPLEMENTATION STATUS OF REPORTS ON PETITIONS AND RESOLUTIONS**
(The Chairperson, Committee on Implementation)
(If not concluded on Wednesday, October 14, 2026 – Afternoon Sitting)
- L. MOTION – NINETEENTH REPORT ON EXAMINATION OF THE AUDITED FINANCIAL STATEMENTS FOR FIVE FUNDS**
(The Chairperson, Special Funds Accounts Committee)
(If not concluded on Wednesday, October 14, 2026 – Afternoon Sitting)
-

APPENDIX

NOTICE OF PETITIONS, QUESTIONS & STATEMENTS

ORDER NO. 7 - STATEMENTS

It is **notified** that, pursuant to the provisions of Standing Order 44(2)(c), the following Statements will be:-

(i) requested –

No.	Subject	Member	Relevant Committee
1.	Non-payment of rent for plots in Naivasha Constituency occupied by the police	Hon. Jayne Kihara, MP (<i>Naivasha</i>)	Administration and Internal Security

(ii) responded to –

No.	Subject	Member	Relevant Committee
1.	Operationalisation of newly-gazetted administrative units in Tetu Constituency	Hon. Geoffrey Wandeto, MP (<i>Tetu</i>)	Administration and Internal Security
2.	Status of operationalisation of Nairobi Sub-County Administrative Units	Hon. Benjamin Gathiru, MP (<i>Embakasi Central</i>)	Administration and Internal Security
3.	Management of sugar imports into the country	Hon. John Makali, MP (<i>Kanduyi</i>)	Agriculture and Livestock
4.	Transmission of the new KCC to private management	Hon. (Amb.) Francis Sigei, MP (<i>Sotik</i>)	Agriculture and Livestock
5.	Delayed completion of <i>Kakamega-Webuye (A1) Road</i>	Hon. David Ndakwa, MP (<i>Malava</i>)	Transport and Infrastructure
