

SPECIAL ISSUE

Kenya Gazette Supplement No. 47 (Acts No. 3)



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REPUBLIC OF KENYA

KENYA GAZETTE SUPPLEMENT

ACTS, 2014

NAIROBI, 8th April, 2014

CONTENT

Act—

PAGE

The National Police Service Commission (Amendment) Act, 2014.....27



THE NATIONAL POLICE SERVICE COMMISSION (AMENDMENT) ACT

No. 3 of 2014

Date of Assent: 1st April, 2014

Date of Commencement: 22nd April, 2014

AN ACT of Parliament to amend the National Police Service Commission Act, 2011

ENACTED by the Parliament of Kenya, as follows—

1. This Act may be cited as the National Police Service Commission (Amendment) Act, 2014.

Short title

2. Section 4 of the Principal Act is amended in subsection (2) by deleting the words “other than *ex officio* members”.

Amendment of
section 4 of
No.30 of 2011.

3. Section 10 of the National Police Service Commission Act, (in this Act referred to as “the Principal Act”) is amended—

Amendment of
section 10 of No.
30 of 2011.

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

“(a) on the recommendation of the Inspector-General develop and keep under review all matters relating to human resources policies of members of the Service”;

(b) in subsection (1) (g), by adding a proviso as follows—

“Provided that—

(i) the Commission shall not undertake investigations on criminal matters;

(ii) where, in the course of disciplinary investigations the Commission identifies violation of any written law, whether civil liability or criminal offence, the Commission shall recommend the prosecution of the offender in accordance with the law:

Provided that disciplinary proceedings by the Commission or the Inspector-General shall not be affected by any criminal or civil action commenced under paragraph (ii).

- (c) by deleting subsection (1) (j);
- (d) in subsection (1) (k), by adding the words “on disciplinary matters relating to transfers, promotions and appointments” immediately after the words “of the Service”;
- (e) in subsection (1) (n) by deleting the words “the organization, administration appearing after the words “ monitor and evaluate”.
- (f) by deleting subsection (1) (r);
- (g) by deleting the word “sergeant” appearing in subsection (2) and substituting therefor the word “superintendent”;
- (h) by deleting subsection (4) and substituting therefor the following new subsection—

(4) The disciplinary control envisaged under Article 246(3)(a) of the Constitution shall mean—

- (a) the development and prescription of fair and clear disciplinary procedures in accordance with Article 47 of the Constitution;
- (b) development, and prescription of disciplinary procedures and mechanisms;
- (c) monitoring compliance by the Inspector General with the prescribed disciplinary procedures and guidelines issued by the Commission;
- (d) monitoring compliance with the due process in disciplining members of the Service;
- (e) receiving regular reports from the Inspector-General on disciplinary matters handled by the National Police Service;

- (f) reviewing or ratification of disciplinary actions taken by the Inspector - General;
- (g) hearing and determining appeals on disciplinary matters from members of the Service.

4. Section 11 of the Principal Act is amended—

Amendment of
section 11 of
No.30 of 2011.

- (a) in subsection (1) (d), by adding the words “on matters relating to its mandate as provided for under Article 246(3) of the Constitution immediately after the word “Act”;
- (b) in subsection (1) (h), by adding the words “on matters relating to its mandate as provided for under Article 246(3) of the Constitution” immediately after the word “inquiries”;

5. The Principal Act is amended in the Second Schedule by deleting paragraph 3 and substituting therefor the following new paragraph—

Amendment of
the Second
Schedule of No.
30 of 2011.

Quorum

3. The quorum of meetings of the Commission shall be six members, who shall include—

- (a) the four members appointed under Article 246 (2) (a) (i) and (iii) of the Constitution ; and
- (b) any two of the members appointed under Article 246 (2) (b) and (c) of the Constitution.

6. The Principal Act is amended in paragraph 1 of the Second Schedule by inserting the following new paragraphs immediately after paragraph (5) —

Amendment of
the Second
Schedule of No.
30 of 2011.

(6) The Commission shall hold a minimum of six meetings in every financial year.

(7) The Chairperson shall issue to members at least four days notice before any meeting of the Commission may be held.

