

**SPECIAL ISSUE**

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

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***KENYA GAZETTE SUPPLEMENT***

**ACTS, 2014**

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**NAIROBI, 8th April, 2014**

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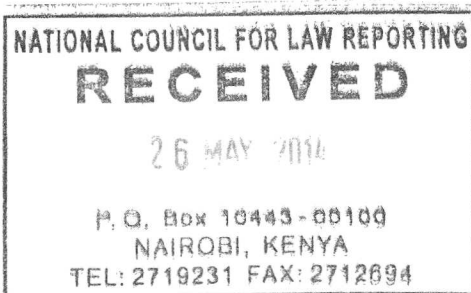
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**THE NATIONAL POLICE SERVICE COMMISSION  
(AMENDMENT) ACT**

**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;