

No.

2020



THE REPUBLIC OF KENYA

HIS EXCELLENCY THE PRESIDENT

UHURU KENYATTA

I assent

President

, 2020

An Act of Parliament to amend the County Governments Act to provide for the procedure for the disposal of a report of a Commission of Inquiry established under Article 192(2) of the Constitution and to provide for the termination of a suspension of a county government under Article 192(4) of the Constitution; and for connected purposes

THE COUNTY GOVERNMENTS (AMENDMENT) (NO. 2) ACT, 2020

AN ACT of Parliament to amend the County Governments Act to provide for the procedure for the disposal of a report of a Commission of Inquiry established under Article 192(2) of the Constitution and to provide for the termination of a suspension of a county government under Article 192(4) of the Constitution; and for connected purposes

ENACTED by the Parliament of Kenya, as follows—

Short title.

1. This Act may be cited as the County Governments (Amendment) (No. 2) Act, 2020.

Amendment of section 123 of No. 17 of 2012.

2. The County Governments Act, in this Act referred to as the “principal Act”, is amended in section 123 by deleting subsections (7), (8), (9) and (10) and substituting therefor the following new subsections—

(7) The Commission shall inquire into the matters before it within three months of its appointment and report on the facts and submit its recommendations to the President.

(8) Where the Commission does not recommend the suspension of a county government, the President shall, within fourteen days of receipt of the report of the Commission under subsection (7), submit to the Speaker of the Senate and the apex intergovernmental body —

- (a) the report and the recommendations of the Commission; and
- (b) the petition for suspension of the county government.

(9) Where the Commission recommends the suspension of the county government, the President shall, within fourteen days of receipt of the report of the Commission under subsection (7), submit to the Speaker of the Senate —

- (a) a memorandum stating that the President is satisfied that justifiable grounds exist for suspension of the county government;
- (b) the report and the recommendations of the Commission; and
- (c) the petition for suspension of the county government.

(9a) Where the Commission recommends the suspension of the county government, the President shall, within fourteen days of receipt of the report of the Commission under subsection (7), submit

to the Speaker of the Senate —

- (a) a memorandum stating that the President is not satisfied that justifiable grounds exist for suspension of the county government;
- (b) the report and the recommendations of the Commission; and
- (c) the petition for suspension of the county government.

(10) Where the President, in the memorandum submitted under subsection (9)(a), is satisfied that justifiable grounds exist for the suspension of a county government, the Speaker of the Senate shall refer the documents received under subsection (9) to the relevant committee of the Senate for consideration.

(11) The committee shall, within fourteen days of receipt of the documents under subsection (10), consider the documents and make its recommendations to the Senate on whether or not the Senate should authorise the suspension of the county government.

(12) An authorisation by the Senate under subsection (11) shall be by a resolution adopted in accordance with the provisions of Articles 122 and 123 of the Constitution.

(13) Upon authorisation of the suspension of a county government by the Senate in terms of Article 192(2) of the Constitution, the President shall, within fourteen days of receipt of the Senate resolution and by notice in the *Gazette*, suspend the county government for a period not exceeding ninety days, or until the suspension is terminated earlier by the Senate in accordance with Article 192(4) of the Constitution.

Amendment of
section 129 of No.
17 of 2012.

3. The principal Act is amended by deleting section 129 and substituting therefor the following new section —

Termination of
suspension by the Senate.

129. (1) Pursuant to Article 192(4) of the Constitution, the Senate may at any time terminate the suspension of a county government.

(2) A member of the Senate may move a motion for the termination of a suspension under subsection (1).

(3) Where a member gives notice of a motion under subsection (2), the Speaker of the Senate shall refer the proposed motion to the relevant select committee of the Senate to consider the proposed

termination of the suspension of the county government and to make recommendations as to whether or not the Senate should terminate the suspension of the county government.

(4) The committee under subsection (3) shall report to the Senate within ten days of referral of the proposed motion to the committee.

(5) In considering the proposed termination under subsection (3), the committee shall invite representations from the members of public, the Interim County Management Board and any other relevant person.

(6) A motion under subsection (2) shall be moved upon the tabling of the report of the committee under subsection (4).

(7) If the motion is supported by a majority of all the county delegations of the Senate, the suspension of the county government shall stand terminated.

(8) Upon the termination of a suspension of the county government —

- (a) the Interim County Management Board appointed under section 126 shall stand dissolved; and
- (b) the governor, the deputy governor, and the members of the county executive committee, the speaker and the members of the county assembly shall resume their functions and continue to receive their benefits in full from the date of termination of the suspension and shall hold office for the remainder of their term.

I certify that this printed impression is a true copy of the Bill passed by the Senate on 21st April, 2020 and the National Assembly on 30th June, 2020.

Clerk of the National Assembly

Presented for assent in accordance with the provisions of Article 113(3) of the Constitution of Kenya on the day of....., 2020 at the hour of

Speaker of the National Assembly