

**SPECIAL ISSUE**

*Kenya Gazette Supplement No. 214 (Acts No. 50)*



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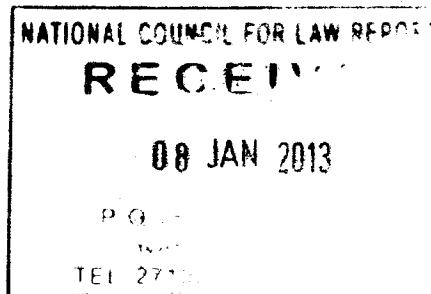
**KENYA GAZETTE SUPPLEMENT**

**ACTS, 2012**

**NAIROBI, 4th January, 2013**

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**THE POLITICAL PARTIES (AMENDMENT) ACT**

**No. 50 of 2012**

*Date of Assent: 31st December, 2012*

*Date of Commencement: 4th January, 2013*

**AN ACT of Parliament to amend the Political Parties Act, 2011**

**ENACTED** by the Parliament of Kenya, as follows—

1. This Act may be cited as the Political Parties (Amendment) Act, 2012.

Short title.

2. The Political Parties Act, 2011 (in this Act referred to as the principal Act) is amended by inserting the following new section immediately after section 34-

Insertion of new section 34A in No. 11 of 2011.

Selection Committee.

**34A.** (1) The President shall, within a period not later than one hundred and ten days prior to the first general elections under the Constitution, or of the occurrence of a vacancy in the Office of Registrar or Assistant Registrar, and with the approval of the National Assembly, appoint a Selection Committee comprising-

- (a) a chairperson who shall be nominated by the President;
- (b) one person nominated by the Law Society of Kenya;
- (c) one person nominated by the Institute of Certified Public Accountants of Kenya;
- (d) one person nominated by the Association of Professional Societies in East Africa;
- (e) two persons nominated by the political parties represented in the

National Assembly according to their proportion of members in the Assembly; and

- (f) two persons nominated by the political parties represented in the Senate according to their proportion of members in the Senate

(2) The persons nominated under subsection (1) shall not be members of Parliament.

(3) Until after the first elections held under the Constitution, the nomination under subsection (1)(a) shall be made by the President, in consultation with the Prime Minister.

(4) The Seventh Schedule shall apply to the nomination and appointment of the members under subsection (1) (b), (c) and (d) and to the procedures of the Selection Committee.

Amendment of  
Sixth Schedule in  
No. 11 of 2011.

**3.** The Sixth Schedule to the Principal Act is amended-

- (a) in paragraph (1) by deleting the words “Public Service Commission” and substituting therefor the words “Selection Committee”;
- (b) in paragraph (2) by deleting the words “Public Service Commission” and substituting therefor the words “Selection Committee”;
- (c) in paragraph (3) by deleting the words “Public Service Commission” and substituting therefor the words “Selection Committee”;
- (d) in paragraph (4) by deleting the words “Public Service Commission” and substituting therefor the words “Selection Committee”.

4. The Principal Act is amended by inserting the following new Schedule immediately after the Sixth Schedule -

insertion of a new  
Seventh Schedule  
in No. 11 of  
2011.

**SEVENTH SCHEDULE** (s. 34A(4))

PROCEDURES RELATING TO THE SELECTION COMMITTEE

1. The respective nominating bodies under section 34A(1)(b), (c) and (d) shall, for purposes of making their nominations, each propose and submit two names of nominees, a man and a woman, to the Clerk of the National Assembly.
2. The National Assembly shall, upon receipt of the names of the nominees nominated under paragraph 1, consider them and—
  - (a) approve one of the nominees; or
  - (b) reject both of the nominees.
3. The Clerk of the National Assembly shall notify the respective nominating bodies of the approval or rejection under paragraph 2
4. If the National Assembly approves a nominee nominated under this section, the Clerk of the National Assembly shall forward the name of the approved nominee to the President and the President shall appoint the nominee as a member of the Selection Committee.
5. If the National Assembly rejects the name of a nominee submitted by a nominating body, the Clerk of the National Assembly shall request the nominating body to submit the name of a new nominee to the National

Assembly for consideration and paragraphs 1, 2, 3 and 4 shall apply, with necessary modifications, to the consideration of the new nominee.

6. Whenever a vacancy arises in the office of Registrar or Assistant Registrar, the President shall, within twenty-one days of the vacancy, with the approval of the National Assembly, appoint a Selection Committee consisting of the persons specified in section 34(1) using, with necessary modifications, the procedure specified in paragraphs 1, 2, 3,4, 5, and 6.
7. In selecting, nominating, approving or appointing the chairperson and members of the Selection Committee, the nominating bodies, the National Assembly, the Senate and the President shall ensure that the Selection Committee reflects the regional and ethnic diversity of the people of Kenya and that not more than two-thirds of the members of the Selection Committee are of the same gender.
8. The Selection Committee shall elect a chairperson and vice chairperson from among its number.
9. Subject to the provisions of this Act, the Selection Committee shall determine its own procedure.
10. The Public Service Commission shall provide facilities and any support required by the Selection Committee.
11. The chairperson and members of the Selection Committee shall, before assuming office, take and subscribe the oath or affirmation of office prescribed in the Fourth Schedule.
12. The Selection Committee shall stand dissolved upon the appointments made under section 33.

13. For the purposes of the appointment of a Selection Committee prior to the first general elections under the Constitution, the President shall in making a nomination or appointment to the Selection Committee act in consultation with the Prime Minister in accordance with the Constitution.