



## REPUBLIC OF KENYA

### THIRTEENTH PARLIAMENT– (SECOND SESSION)

#### THE NATIONAL ASSEMBLY

#### COMMUNICATIONS FROM THE CHAIR

\_\_\_\_\_ (No. 002 of 2023) \_\_\_\_\_

#### GUIDANCE ON THE CONSIDERATION OF THE SPECIAL MOTION ON THE APPOINTMENT OF A PARLIAMENTARY SERVICE COMMISSIONER WHO IS NOT A MEMBER OF PARLIAMENT

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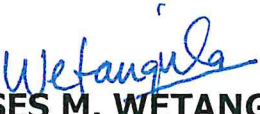
##### **Honourable Members,**

1. This Guide relates to the Paper that has just been laid by a Member of the Parliamentary Service Commission, the Hon. Faith Gitau, MP, and the subsequent Notice of Motion. The Paper and the Notice of Motion relates to the proposed appointment of **Hon. Johnston Muthama** as a Member of the Parliamentary Service Commission.
2. **Honourable Members,** Article 127(2)(d) of the Constitution provides for the appointment of two (2) persons, being one man and one woman, from among persons who have experience in public affairs, but are not members of Parliament, to the Parliamentary Service Commission. The position of male non-Member of the Parliamentary Service Commission fell vacant following the resignation of Commissioner Hon. Samuel Chepkonga for purposes of contesting an elective position in the General Elections that took place on 9<sup>th</sup> August, 2022.
3. Consequently, and in accordance with the provisions of Article 127 of the Constitution and section 9 of the Parliamentary Service Act, 2019, Parliament is required to **appoint** a person (male) to fill the now vacant position.

4. **Honourable Members**, it is worth noting that unlike the usual procedure for consideration of nominees to serve in other statutory and constitutional bodies where Parliamentary Committees participate in the appointment processes by way of **vetting and approval of appointment**, in the case of the Parliamentary Service Commission, the appointment is by Parliament itself. Moreover, the Houses of Parliament have now established a practice that, save for the Chairperson, all other Members of the Commission are **appointed by the Houses of Parliament**. This implies that the recruitment process undertaken by the Commission serves the purpose of vetting the proposed appointee and the person stands appointed once both Houses approve the nomination.
5. **Honourable Members**, the House will therefore consider the Special Motion on the basis of the Report that has just been laid on the Table of the House by the Hon. Gitau on behalf of the Commission and the attendant Notice of Motion. I call upon the House Business Committee to schedule the Motion at the earliest opportunity for expeditious consideration by the House, acknowledging that the Senate will also consider the nominee, so as to ensure that the Commission is fully constituted.

The House is accordingly guided.

**I thank you.**

  
**THE RT. HON. MOSES M. WETANG'ULA, EGH, MP**  
**SPEAKER OF THE NATIONAL ASSEMBLY**

Tuesday, 14<sup>th</sup> February 2023