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CONTENT

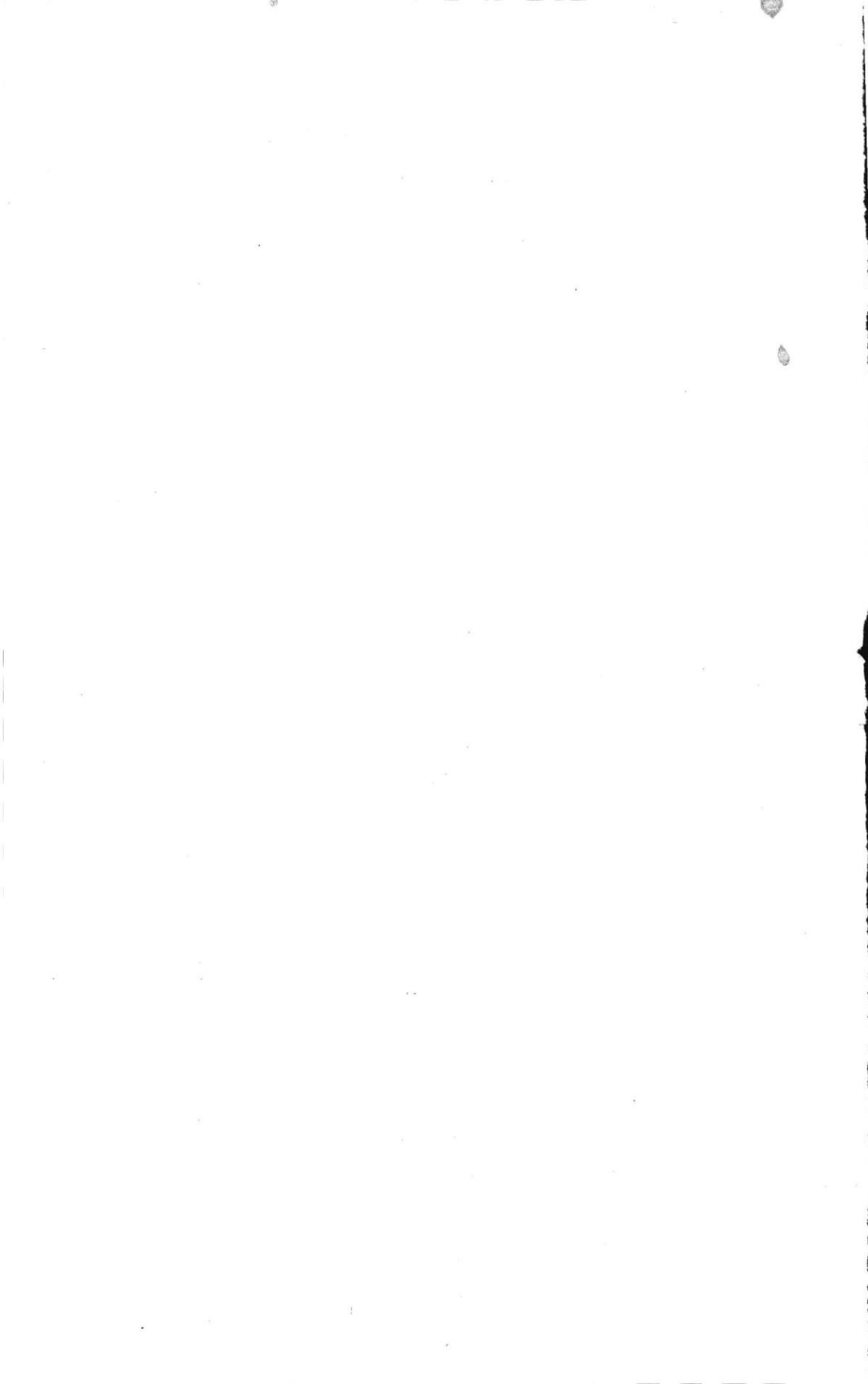
Act—

PAGE

The National Police Service Commission (Amendment) Act, 2014

27

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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.

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

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

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 (l) (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:

(a) in
subsection
(l) (a) , by
deleting
paragraph
(a)

Short title

Amendment of
section 4 of

No.30 of 2011 .

Amendment of
section 10 of
No.

30 of 2011 .

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;
- 2014 National Police Service Commission (Amendment) No. 3
- (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 II of the Principal Act is amended—
- (a) in subsection (l) (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 (l) (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 section II of No.30 of 201 1.
- Amendment of the Second Schedule of No. 30 of 201 1.
- 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 Secpnd Schedule of No. 30 of 201 1.

(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.

