

SPECIAL ISSUE

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REPUBLIC OF KENYA

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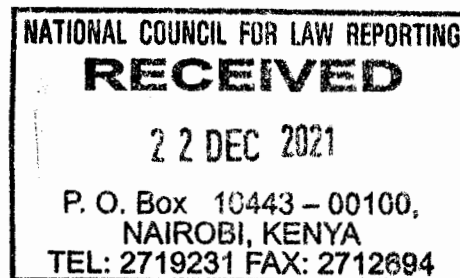
NATIONAL ASSEMBLY BILLS, 2021

NAIROBI, 3rd December, 2021

CONTENT

Bill for Introduction into the National Assembly —

	PAGE
The Political Parties (Amendment) (No. 2) Bill, 2021	1777



**THE POLITICAL PARTIES (AMENDMENT) (No. 2)
BILL, 2021**

A Bill for

AN ACT of Parliament to amend the Political Parties Act

ENACTED by the Parliament of Kenya, as follows—

1. This Act may be cited as the Political Parties (Amendment) (No. 2) Act, 2021.

Short title.

2. The Political Parties Act (in this Act referred to as the “principal Act”) is amended in section 2—

Amendment of section 2 of No. 11 of 2011.

(a) by inserting the following new definition in the proper alphabetical sequence—

“corporate member” means a registered political party which is a member of another registered political party”;

(b) by inserting the following provision immediately after the definition of “political party”—

“Provided that in the case of a political party whose membership includes corporate members, each corporate member shall be deemed to be a political party within the meaning of this Act”.

3. The principal Act is amended by inserting the following new section immediately after section 11—

Insertion of new section in No. 11 of 2011.

Corporate membership.

11A. (1) A political party may become a corporate member of another political party in accordance with the constitution, rules and procedures of the political party.

(2) The decision to become a corporate member of another political party shall be by a resolution of the party organs in a meeting and shall be duly executed by the party officials authorized to execute agreements on behalf of the party.

(3) A copy of the resolution under subsection (2) and the minutes of the meeting shall be deposited with the Registrar within twenty-one days of the signing of the agreement.

(4) The constitution of a political party shall include the rules governing corporate membership.

4. Section 14 of the principal Act is amended by inserting the following new subsection immediately after subsection 6—

Amendment of section 14 of No. 11 of 2011.

“(6A) Subsections (4) and (5) shall not apply to a corporate member of a political party”.

5. The Second Schedule to the Act is amended—

Amendment of the Second Schedule to No. 11 of 2011.

(a) in paragraph (6) by inserting the following new sub paragraph immediately after sub paragraph (a)—

“(aa) the various categories of party membership including corporate membership”;

(b) by inserting the following new paragraph immediately after paragraph 21A—

“21B. Rules governing corporate membership”.

MEMORANDUM OF OBJECTS AND REASONS

The principal object of this Bill is to provide for corporate membership in the Political Parties Act, 2011. This concept was recognized by the Political Parties Act, 2007 but was not carried over to the Political Parties Act, 2011. The concept of corporate membership is important as it allows a political party to be member of another political party without necessarily merging or forming a coalition and thus retain its identity.

The Bill also seeks to recognise the different categories of membership to a political party. Political parties generally have different levels of membership, for example, life membership. Each membership level has different rights and obligations and there is need to recognise the same in law.

Clause 1 of the Bill provides for the short title.

Clause 2 of the Bill introduces the word “corporate membership” into the Political Parties Act, 2011.

Clause 3 of the Bill introduces a new section into the Act which deals with corporate membership.

Clause 4 of the Bill excludes the application of section 14 (4) and (5) of the Act in the case of a corporate member of a political party.

Clause 5 of the Bill amends the Second Schedule to the Act to provide that the Constitution of a political party should indicate the different membership categories and the rules governing corporate membership.

Statement on the delegation of legislative powers and limitation of fundamental rights and freedoms

The Bill does not limit fundamental rights and freedoms.

Statement that the Bill concerns county governments

The Bill affects the functions of the county governments and is therefore a Bill concerning counties for purposes of the Standing Orders.

Statement that the Bill is a money Bill within the meaning of Article 114 of the Constitution

The enactment of this Bill shall not occasion additional expenditure of public funds.

Dated the 1st December, 2021.

JOHN MBADI NG'ONGO,
Leader of Minority, National Assembly.

Section 2 of the Political Parties Act, 2011 which it is proposed to amend—

“political party” has the meaning assigned to it in Article 260 of the Constitution;

Section 14 of the Political Parties Act, 2011 which it is proposed to amend—

Resignation from Political Party

(1) A member of a political party who intends to resign from the political party shall give a written notice prior to his resignation to—

- (a) the political party;
- (b) the clerk of the relevant House of Parliament, if the member is a member of Parliament; or
- (c) the clerk of a county assembly, if the member is a member of a county assembly.

(2) The resignation of the member of the political party shall take effect upon receipt of such notice by the political party or clerk of the relevant House or county assembly.

(3) The political party of which the person is a member, the member, or the clerk of the relevant House of Parliament or of a county assembly of which the person is a member shall notify the Registrar of such resignation within seven days of the resignation.

(3A) Upon receiving the notification under subsection (3), the Registrar shall cause the name of such member to be removed from the membership list of that political party.

(4) A person shall not be a member of more than one political party at the same time.

(5) A person who, while being a member of a political party—

- (a) forms another political party;
- (b) joins in the formation of another political party;
- (c) joins another political party;
- (d) in any way or manner, publicly advocates for the formation of another political party; or
- (e) promotes the ideology, interests or policies of another political party, shall, notwithstanding the provisions of subsection (1)