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THE NATIONAL ASSEMBLY
THIRTEENTH PARLIAMENT (THIRD SESSION)
PUBLIC PETITIONS COMMITTEE

Approved
[Signature]
11/04/24.

REPORT ON -
IT'S CONSIDERATION OF THE PUBLIC PETITION NO. 44 OF 2023 REGARDING
ENHANCEMENT OF HOUSE ALLOWANCES FOR TEACHERS WORKING AND RESIDING
WITHIN KILIFI MUNICIPALITY

 THE NATIONAL ASSEMBLY PAPERS LAID	
DATE: 11 APR 2024	DAY: Thursday
APRIL, 2024 BY:	Hon Janet Sichei (Vice Chairperson Public Petitions Committee)
CLERK-AT THE-TABLE:	Shibuko

Directorate of Legislative & Procedural Services
Clerk's Chambers
Main Parliament Buildings
NAIROBI

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ACRONYMS

CBA	Collective Bargaining Agreement
CBS	Chief of the Burning Spear
CEO	Chief Executive Officer
KNUT	Kenya National Union of Teachers
KUPPET	Kenya Union of Post-Primary Education Teachers
SRC	Salaries and Remuneration Commission
TSC	Teachers Service Commission

CHAIRPERSON'S FOREWORD

On behalf of the Public Petitions Committee and pursuant to the provisions of Standing Order 227, it is my pleasant privilege and honour to present to this House the Report of the Committee on the Public Petition No. 44 of 2023 regarding the enhancement of house allowances for teachers working and residing in Kilifi Municipality. The petition was presented to the House pursuant to Standing Order No. 225 (2) (b) by the Member for Kilifi North, the Hon. Owen Yaa Baya, MP on 10th August, 2023.

The Petitioner prayed that the National Assembly through the Public Petitions Committee inquires into the living conditions of teachers working and residing within Kilifi Municipality, recommends that teachers in both Secondary and Primary Schools within Kilifi Municipality are facilitated to receive enhanced house allowance among others.

The Committee considered the Petition and observed that whereas the Salaries and Remuneration Commission issued a Circular on the payment of House allowances in 2014, Kilifi was conferred Municipality status in 2018 vide Kenya Gazette Supplement Notice No. 2 dated 19th March, 2019 and this therefore meant that by the time the SRC was forwarding names of municipalities, Kilifi had not been conferred the status of a Municipality, teachers in Kilifi have been receiving house allowance under Cluster 4 hence require an enhancement which is undertaken once every four (4) years and the SRC review of house allowance payable to teachers in Kilifi town until 31st July, 2023 which would be fully harmonized by 1st July, 2024.

The Committee recommends that the affected teachers submit their request through their employer, the Teachers Service Commission to Salaries and Remuneration (SRC) for consideration, SRC and pays enhanced house allowances together with arrears for teachers working and residing in Kilifi Municipality with effect from 1st July, 2023 among others.

The Committee appreciates the Offices of the Speaker and Clerk of the National Assembly for providing guidance and necessary technical support without which its work would not have been possible. The Chairperson expresses gratitude to the Committee Members for their devotion and commitment to duty during the consideration of the Petition.

On behalf of the Committee and pursuant to the provisions of Standing Order 199, I now wish to lay the Report on the Table of the House.

HON. NIMROD MBITHUKA MBAI, M.P.
CHAIRPERSON, PUBLIC PETITIONS COMMITTEE

Date... 11-04-2024

PART ONE

1. PREFACE

1.1. Establishment and Mandate of the Committee

The Public Petitions Committee is established pursuant to the provisions of Standing Order 208A and is mandated to -

- a) consider all public petitions tabled in the House;
- b) make such recommendations as may be appropriate concerning the prayers sought in the petitions;
- c) recommend whether the findings arising from consideration of a petition should be debated; and
- d) advise the House and report on all public petitions committed to it.

1.2. Committee Membership

The Public Petitions Committee was constituted in October 2022 and comprises of the following Members:

Chairperson

Hon. Nimrod Mbithuka Mbai, M.P.

Kitui East Constituency

United Democratic Alliance (UDA)

Vice Chairperson

Hon. Janet Jepkemboi Sitienei, M.P.

Turbo Constituency

United Democratic Alliance (UDA)

Hon. Patrick Makau King'ola, M.P.

Mavoko Constituency

Wiper Democratic Movement-Kenya

(WDM-K)

Hon. Edith Vethi Nyenze, M.P.

Kitui West Constituency

Wiper Democratic Movement-Kenya

(WDM-K)

Hon. Ernest Kivai Ogesi Kagesi, M.P.

Vihiga Constituency

Amani National Congress (ANC)

Hon. Maisori Marwa Kitayama, M.P.

Kuria East Constituency

United Democratic Alliance (UDA)

Hon. Joshua Chepyegon Kandie, M.P.

Baringo Central Constituency

United Democratic Alliance (UDA)

Hon. John Walter Owino, M.P.

Awendo Constituency

Orange Democratic Movement (ODM)

Hon. Bernard Muriuki Nebart, M.P.

Mbeere North Constituency

Independent

Hon. Bidu Mohamed Tubi, M.P.

Isiolo South

Jubilee Party (JP)

Hon. Caleb Mutiso Mule, M.P.

Machakos Town Constituency

Maendeleo Chap Chap Party (MCCP)

Hon. John Bwire Okano, M.P.

Taveta Constituency

Wiper Democratic Movement-Kenya

(WDM-K)

Hon. Peter Mbogho Shake, M.P.

Mwatate Constituency

Jubilee Party (JP)

Hon. Sloya Clement Logova, M.P.

Sabatia Constituency

United Democratic Alliance (UDA)

Hon. Suzanne Ndunge Kiamba, M.P.

Makueni Constituency

Wiper Democratic Movement-Kenya

(WDM-K)

1.3. Committee Secretariat

The Public Petitions Committee is facilitated by the following secretariat:

Lead Clerk
Mr. Ahmed Kadhi
Senior Clerk Assistant/Head of Secretariat

Ms. Miriam Modo
First Clerk Assistant

Mr. Willis Obiero
Third Clerk Assistant

Mr. Shadrach Omondi
Legal Counsel II

Ms. Patricia Gichane
Legal Counsel II

Mr. Martin Sigei
Research Officer III

Mr. Andrew Shangirai
Principal Sergeant at Arms

Mr. Yezel Jilo
Sergeant at Arms

Ms. Lilian Mburugu
Media Relations Officer

Ms. Rahab Chepkilim
Audio Officer

PART TWO

2. PUBLIC PETITION NO. 44 OF 2023 REGARDING ENHANCEMENT OF HOUSE ALLOWANCES FOR TEACHERS WORKING AND RESIDING IN KILIFI MUNICIPALITY

2.1. INTRODUCTION

1. The Member for Kilifi North Constituency (Hon. Owen Yaa Baya, MP) presented petition No. 44 of 2023 regarding the enhancement of house allowances for teachers working on behalf of teachers working and residing in Kilifi Municipality on Thursday, 10th August, 2023.
2. The Petitioner called on the House to intervene in enhancement of house allowances for teachers working and residing in Kilifi Municipality by the relevant Government Institutions.
3. Through a Kenya Gazette Notice dated 19th March, 2019, Kilifi Town was conferred the status of Municipality which led to the enhancement of house allowances for civil servants.
4. Teachers employed under permanent and pensionable terms are paid house allowance every month by the Teachers Service Commission (“TSC”) based on the teachers’ job group, working conditions and status of town and geographical area.
5. The Salaries and Remuneration Commission (SRC) issued an enhanced house allowance classification of teachers’ workstations within Municipalities, whereby those residing in major towns receive higher pay for house allowance to cushion them from the high cost of living and high cost of housing.
6. The teachers working and residing within Kilifi Municipality feel discriminated against and that their rights and fundamental freedom are infringed as prescribed by Article 27 of the Constitution as they were not paid a commensurate allowance as their colleagues residing in major towns hence compelled to seek cheaper accommodation on the outskirts of Kilifi Town.
7. This dire situation has strained them financially specifically on the cost of transport, insecurity, service delivery, accessibility to markets and shops and other social amenities.
8. To the best of the petitioner’s knowledge, the matter presented in the petition was not pending before any Court of law or any constitutional or legal body.

2.2. PETITIONER'S PRAYERS

The Petitioner prayed that the National Assembly through the Public Petitions Committee: -

9. Inquires into the living conditions of teachers working and residing within Kilifi Municipality;
10. recommends that teachers in both Secondary and Primary Schools within Kilifi Municipality are facilitated to receive enhanced house allowance; and
11. makes any other recommendation or action it deems fit in addressing the plight of the Petitioners.

PART THREE

3. STAKEHOLDERS' SUBMISSIONS ON THE PETITION

3.1. SUBMISSIONS BY THE PETITIONER

On Wednesday, 30th August 2023, Member for Kilifi North Constituency (Hon. Owen Baya, M.P), appeared before the Committee and submitted as follows: -

12. The Salaries and Remuneration Commission (SRC) in fulfilment of its mandate of reviewing remuneration and benefits for public officers issued a circular in December 2014 that harmonized significant variations that existed before the review.
13. A Gazette Notice of conferment of Kilifi Town as a Municipality was issued on 19th March 2019. The Municipality status resulted in a higher cost of living and an increase in rent charged by landlords. Teachers thereby opted to seek cheaper housing outside the municipality.
14. The distance between the areas of residence and the schools they work is far. This demoralizes the teachers and greatly affects the value of service offered to students.
15. Clause 7.6 of the Collective Bargaining Agreement between the Teachers' Service Commission and the Kenya Union of Post Primary Education Teachers (KUPPET) made on 13th July 2021 provides that House allowance shall be payable as per appendix 5 under *Major Municipalities* with rates ranging from Kshs.4,500 to Kshs.35,000 depending on the pay grade. This is the category which Kilifi falls under. Unfortunately, teachers in Kilifi were getting House allowance under the category *All other areas* which range from Kshs.3,200 to Kshs.20,000.
16. There is an urgent need for SRC to review House allowances for public officers in Kilifi to get the House allowance that they deserve.

3.2. SUBMISSIONS BY THE TEACHERS SERVICE COMMISSION (TSC)

On Wednesday, November 15, 2023, the Chief Executive Officer of the Teachers Service Commission, Ms. Nancy Macharia, CBS, appeared before the Committee and submitted as follows, that;

17. Pursuant to Article 230 of the Constitution, the Salaries and Remuneration Commission (SRC) has the mandate to advise on remuneration and benefits of public officers including the teaching service. In the exercise of this mandate, SRC issued an advisory vide letter ref: SRC/TS/MDP/3/1/2 (2) dated 11th August 2015 on the payment of house allowance for public officers.

18. In the said advisory, the SRC categorized the Country into four (4) clusters for purposes of payment of house allowance namely *Nairobi, former major municipalities, other former municipalities, and other areas*.
19. At the time the advisory was issued, Kilifi was a township and was gazetted as such as per Gazette Notice No. 10557 of 2007 hence falling under Cluster 4. Cluster 4 rates are payable to teachers stationed in townships and rural areas. Accordingly, in compliance with the advisory of the SRC teachers in Kilifi have been receiving house allowance under Cluster 4.
20. While the Commission is aware that Kilifi Township was gazetted as a municipality in March 2019, the SRC did not review or render an advisory on the review of house allowance payable to teachers in Kilifi town until 31st July 2023.
21. The Commission has received an advisory from SRC recommending the review of Cluster 4 house allowances payable to teachers. To this end, house allowance for Cluster 3 and Cluster 4 shall be harmonized in two phases with full harmonization to be realized on 1st July 2024.
22. On 29th August, 2023, the Commission signed an addendum to the 2021-2025 CBA with teacher unions effective 1st July 2023 as per the SRC advisory. Accordingly, Phase 1 of the harmonization was effected in the August, 2023 payroll.
23. Accordingly, with effect from 1st July, 2023, teachers in Kilifi Municipality received an enhanced house allowance as advised by SRC.

3.3. SUBMISSIONS BY THE SALARIES AND REMUNERATION COMMISSION (SRC)

On Wednesday, 15th November, 2023, the Salaries and Remuneration Commission (SRC) led by Mr. Kennedy Monyoncho, appeared before the Committee and submitted as follows, that;

24. The issues raised by the petitioners fall within the mandate of SRC as they relate to the review of an allowance.
25. SRC was in the process of undertaking progressive harmonization of house allowance and in the current 3rd Remuneration and Benefits Review Cycle (FY 2021/22 - FY 2024/25), the rates for Cluster 3 (other former municipalities) and Cluster 4 (all other areas) would be fully harmonized from 1st July, 2024. SRC has communicated the new rates to TSC for both phases vide a letter dated 31st July 2023 as adopted in the 2021-2025 CBAs for Teachers.
26. Kilifi Town, which was under Cluster 4 (*all other areas*), had benefitted from the new review of house allowance and from 1st July, 2023, teachers working in the area will be drawing the allowance at similar rates as Cluster 3 (other

former Municipalities). SRC aims to fully harmonize house allowance into one cluster taking into consideration affordability and sustainability.

27. A review of the allowance for one group of public servants would lead to inequity and unfairness in pay, therefore, SRC advises that the teachers should submit their requests to SRC through their employer, the Teachers Service Commission (TSC) for consideration in line with the mandate of SRC.
28. A review of house allowances by SRC was done after every four years. The review done in the third cycle of the FY 2021/2024, considered affordability and sustainability. Further, consideration was done for the enhanced house allowances.
29. The various classifications by SRC for teachers in payment of house allowances were informed by the four (4) clusters set by the law including cities, major municipalities, other municipalities, and other towns. However, teachers have slightly more designated hardship areas compared to other civil servants as advised by TSC.
30. The increment of house allowances was based on the categorization put in place in terms of the various clusters. Further, a review of house allowance by grade other than municipality is achievable subject to affordability and sustainability.
31. Kilifi North fell under a CBA with TSC registered on 26th October, 2023 where the house allowances had been addressed hence it was not possible to change the terms of the CBA midstream as it was legally binding.
32. The core mandate of SRC was to set, review, and advise on the remuneration of all public servants, and employers are expected to implement the advisory. The Commission further establishes the status of implementation of its advisories, and the challenges therein through monitoring and evaluation exercises conducted twice annually to resolve any matters of concern. Further, employers are encouraged to write to the SRC on challenges experienced. The Auditor General also follows up on the implementation of the advisory. The role of SRC is to ensure gradual and full harmonization of allowances for all civil servants.
33. SRC remunerates salaries and allowances for state officers who are mostly in the cities, as well as other public officers depending on where they live. The categorization applied to civil servants based on the salary structure to ensure fair implementation of remuneration. However, other unique areas could be relooked through consolidated pay.
34. Future review of remuneration and benefits structures in CBAs will consider the principle of affordability and fiscal sustainability and progressively be aligned to the obtaining policy on remuneration and benefits structures in the Public Service.

35. SRC also advises TSC on the need to submit copies of the Draft CBA to SRC for issuance of clearance letters to facilitate registration at the Employment and Labour Relations Court TSC, once negotiations are concluded within the parameters provided therein for instance on basic salary, house allowances commuter allowances and other remunerative items.

3.4. SUBMISSIONS BY THE CABINET SECRETARY, MINISTRY OF EDUCATION

The Cabinet Secretary of the Ministry of Education, Hon. Ezekiel Machogu, EGH, vide a letter **Ref:MOE/SDHER/HRM/CON/14/7** dated **26th October, 2023** forwarded written submissions and stated as follows, that;

36. Article 237(2) (b) of the Constitution gives the Teachers Service Commission the role of recruiting and employing teachers. Section 11 of the Teachers Service Commission provides that the Commission shall manage the payment of teachers under its employment.
37. In line with Article 230(4) of the Constitution, the Salaries and Remuneration Commission advises on the remuneration of public officers, including teachers. The TSC is bound by the advice provided by the Salaries and Remuneration Commission (SRC).
38. In exercise of this mandate, the SRC issued an advisory vide letter Ref:SRC/TS/MDP/3/1/2 (3) dated 11th August, 2015 on payment of House Allowance for public officers.
39. In the said advisory, the SRC categorized the country into 4 clusters for purposes of payment of House Allowances for public officers.
40. At the time the advisory was issued in 2015, Kilifi was a township and was gazetted as such in Gazette Notice Number 10557 of 2007. It therefore fell under Cluster 4. The Cluster 4 rates are for townships and rural areas.
41. In March 2019, Kilifi was gazetted as a Municipality. However, teachers in Kilifi were still paid House Allowances at the rate for townships because the SRC had not reviewed its earlier advisory.
42. The SRC reviewed its advisory on 31st July, 2023 and consequently, the TSC has now effected the Municipal House Allowance rate for teachers in Kilifi. The new rate will be implemented in two phases; the first phase was paid in 1st July 2023 while the second phase will be paid in 1st July, 2024.

3.5. SUBMISSIONS BY THE PUBLIC SERVICE COMMISSION (PSC)

The Chief Executive Officer of the Public Service Commission, Dr. Simon K. Rotich, CBS, vide a letter Ref:PSC/ADM/26/11/(53) dated 24th October, 2023, forwarded written submissions and stated as follows, that;

43. The current approved House Allowance as issued by the Ministry of Public Service under Ref. No MPSG&AAA.9/1 dated 4th August, 2023, on the Implementation of Phase I Remuneration and Benefits for the Civil Service in the National Government for the Third Remuneration Review Cycle 2021/2022-2024/2025, was to be implemented with effect from 1st July, 2023 as tabulated below -

CSG	Job Group Equivalent	Cluster 1: Nairobi City	Cluster 2: Mombasa, Kisumu, and Nakuru cities, Nyeri, Eldoret, Thika, Kitale, Kisii, Malindi Municipalities	Cluster 3: Other former Municipalities	Cluster 4: Other Areas
CSG 4	T	80,000	80,000	80,000	-
CSG 5	S	60,000	56,000	52,000	49,206
CSG 6	R	50,000	35,000	25,000	21,508
CSG 7	P	45,000	28,000	21,000	18,066
CSG 8	N	35,000	25,500	18,000	16,184
CSG 9	L	28,000	22,000	16,500	14,055
CSG 10	K	16,500	12,800	9,600	8,133
CSG 11	J	10,000	7,500	5,800	5,000
CSG 12	H	6,750	4,500	3,800	3,850
CSG 13	G	6,750	4,500	3,800	3,850
CSG 14	F	4,500	3,730	3,000	3,000
CSG 15	E	4,500	3,730	2,960	2,960
CSG 16	D	4,125	3,375	2,750	2,750
CSG 17	C	3,750	3,125	2,500	2,500

44. Enhancement of House Allowances for teachers living and residing within Kilifi Municipality, fall within the mandate of the Teachers Service Commission (TSC) and the Salaries and Remuneration Commission.

45. Even so, there is need for harmonization of House Allowances for all public officers in all areas of the country as a way of addressing disparities that may exist in various sectors of the public service.

46. House allowances approved by SRC in consultation with the PSC should be applicable generally to all public officers as specified for various parts of the country.

PART FOUR

4. COMMITTEE OBSERVATIONS

Upon hearing from the Petitioner and other witnesses, the Committee observed that -

47. Whereas the SRC issued a Circular on the payment of House allowances in 2014, Kilifi was conferred Municipality status in 2018 vide Kenya Gazette Supplement Notice No. 2 dated 19th March, 2019 and this therefore meant that by the time the SRC was forwarding names of municipalities, Kilifi had not been conferred the status of a Municipality.
48. At the time the advisory was issued, Kilifi was a township and was gazetted as such as per Gazette Notice No. 10557 of 2007 hence falling under Cluster 4. Cluster 4 rates are payable to teachers stationed in townships and rural areas. Accordingly, in compliance with the advisory of the SRC, teachers in Kilifi have been receiving house allowance under Cluster 4 hence require an enhancement which is reviewed after every four (4) years.
49. While the Commission is aware that Kilifi Township was gazetted as a municipality in March, 2019, the SRC did not review or render an advisory on the review of house allowance payable to teachers in Kilifi town until 31st July, 2023 which would be fully harmonized by 1st July, 2024.
50. The Ministry of Public Service, Performance and Delivery Management is mandated to gazette hardship areas and SRC reviews salaries and allowances for the gazetted areas accordingly based on affordability and sustainability.
51. The Ministry of Public Service, Performance and Delivery Management is yet to harmonize all hardship areas to address the existing gaps in the remuneration of civil servants.
52. In a bid to ensure gradual and full harmonization of allowances for all civil servants, SRC lacks a compliance mandate for employers who do not implement the advisory.

PART FIVE

5. COMMITTEE RECOMMENDATIONS

Pursuant to the provisions of Standing Order 227 and in response to the prayer sought, the Committee recommends that -

Prayer 1: inquires into the living conditions of teachers working and residing within Kilifi Municipality

- (i) The teachers working and residing within Kilifi Municipality allegedly feel discriminated against as they are not paid a commensurate allowance as those residing in major towns; and
- (ii) Teachers were also experiencing high cost of living, the cost of rental houses and basic commodities compared to the monthly allowances they were paid forcing them to seek affordable houses in the outskirts of the town far away from the schools in which they teach.

Therefore, the Committee recommends that the affected teachers submit their copies of the draft CBA to SRC through their employer TSC for consideration.

Prayer 2: recommends that teachers in both Secondary and Primary Schools within Kilifi Municipality are facilitated to receive enhanced house allowance

The Committee notes that -

- (i) SRC was undertaking progressive harmonization of House Allowances under the Third Remuneration and Benefits Cycle for the Teaching Service for the FY2021/2022 - 2024/2025 which had been actualized with effect from 1st July, 2023 and would be fully harmonized by 1st July, 2024; and
- (ii) Consequently, SRC communicated the new rates to TSC for both phases vide a letter dated 31st July, 2023 to negotiate with teachers' Trade Unions on the Collective Bargaining Agreements for teachers.


Therefore, the Committee recommends that SRC and TSC in compliance with the above provision, ensures that teachers working and residing in Kilifi Municipality get enhanced house allowances together with arrears with effect from 1st July, 2023.

Prayer 3: makes any other recommendation or action it deems fit in addressing the plight of the Petitioners.

- (i) The Committee recommends that the Ministry of Public Service, Performance and Delivery Management fast tracks and provides the

status report on the review of hardship areas which will inform review of hardship allowances across the country; and

- (ii) The Committee further recommends that the Ministry of Public Service, Performance and Delivery Management in consultation with the Salaries and Remuneration Commission (SRC) and other relevant Agencies harmonizes House Allowances for Public Officers in all areas across the country as a way of addressing disparities that may exist in various sectors of public service **within six (6) months from 1st July, 2023.**

Signed:  Date: 11-04-2024
FOR THE HON. NIMROD MITHUKA MBAI, M.P.
CHAIRPERSON, PUBLIC PETITIONS COMMITTEE



ANNEXURES

- Annex 1: The Adoption List
- Annex 2: Public Petition No. 44 of 2023 regarding enhancement of house allowance for teachers working and residing in Kilifi Municipality
- Annex 3: Minutes of the 56th Sitting held on Wednesday, 30th August, 2023
- Annex 4: Minutes of the 79th Sitting held on Wednesday, 15th November, 2023
- Annex 5: Minutes of the 15th Sitting held on Monday, 25th March, 2024
- Annex 6: Written Submission by the Chief Executive Officer, Public Service Commission Ref:PSC/ADM/26/11/(36) dated 29th August, 2023
- Annex 7: Written submissions by the Cabinet Secretary, Ministry of Education Ref:MOE/SDHER/HRM/CON/14/7 dated 25th October, 2023



REPUBLIC OF KENYA
THE NATIONAL ASSEMBLY
THIRTEENTH PARLIAMENT - THIRD SESSION - 2024
PUBLIC PETITIONS COMMITTEE

ADOPTION OF THE REPORT ON THE CONSIDERATION OF A PUBLIC PETITION NO. 44 OF 2023
REGARDING THE ENHANCEMENT OF HOUSE ALLOWANCES FOR TEACHERS WORKING AND
RESIDING IN KILIFI MUNICIPALITY

We, the undersigned Honourable Members of the Public Petitions Committee, today Monday, 25th March, 2024, do hereby affix our signatures to this Report on the consideration of Public Petition No. 44 of 2023 regarding the enhancement of House Allowances for Teachers living and residing in Kilifi Municipality, to affirm our approval and confirm its accuracy, validity and authenticity: -

S/NO	NAME	DESIGNATION	SIGNATURE
1.	Hon. Nimrod Mbithuka Mbai, M.P.	Chairperson	
2.	Hon. Janet Jepkemboi Sitienei, M.P.	Vice-Chairperson	
3.	Hon. Patrick Makau King'ola, M.P.	Member	
4.	Hon. Ernest Ogesi Kivai, M.P.	Member	
5.	Hon. Joshua Chepyegon Kandie, M.P.	Member	
6.	Hon. John Walter Owino, M.P.	Member	
7.	Hon. Maisori Marwa Kitayama, M.P.	Member	
8.	Hon. Edith Vethi Nyenze, M.P.	Member	
9.	Hon. Bidu Mohamed Tubi, M.P.	Member	
10.	Hon. Caleb Mutiso Mule, M.P.	Member	
11.	Hon. (Eng.) Bernard Muriuki Nebart, M.P.	Member	
12.	Hon. Peter Mbogho Shake, M.P.	Member	
13.	Hon. Suzanne Ndunge Kiamba, M.P.	Member	
14.	Hon. John Bwire Okano, M.P.	Member	
15.	Hon. Sloya Clement Logova, M.P.	Member	



REPUBLIC OF KENYA

THE NATIONAL ASSEMBLY
THIRTEENTH PARLIAMENT (SECOND SESSION)

PUBLIC PETITION

(No. 44 of 2023)

**REGARDING ENHANCEMENT OF HOUSE ALLOWANCES FOR
TEACHERS WORKING AND RESIDING WITHIN KILIFI
MUNICIPALITY.**

I, the **UNDERSIGNED**, on behalf of teachers of both Secondary and Primary Schools residing in Kilifi Municipality;

DRAW the attention of the House to the following:

1. **THAT**, through a Kenya Gazette Notice dated **19th March, 2019** Kilifi Town was conferred to the status of Municipality which led to the enhancement of house allowance for civil servants;
2. **THAT**, teachers under the permanent and pensionable terms are paid house allowance every month by the Teachers Service Commission based on the teacher's job group, working condition and status of town and geographical area;
3. **THAT**, the Salaries and Remuneration Commission issued an enhanced house allowance classification of teacher's work stations within Municipalities, whereby those residing in major towns receive a higher pay for house allowance so as to cushion them from the high cost of living and high cost of housing;
4. **THAT**, the teachers working and residing within Kilifi Municipality allegedly feel discriminated and that their right and fundamental freedom infringed as prescribed by Article 27 of the Constitution of Kenya;
5. **THAT**, teachers in Kilifi Town are not paid a commensurate allowance as those residing in major towns hence seeking for house accommodation at the outskirts of Kilifi Town;



Approved
SNA
8/8/23

for Speaker
for no approval
araphis with
8/8/23

REGARDING ENHANCEMENT OF HOUSE ALLOWANCES FOR TEACHERS WORKING AND RESIDING WITHIN KILIFI MUNICIPALITY.

6. **THAT**, teachers residing and working within Kilifi Municipality experience very high cost of living, the cost of rental houses and basic commodities is high compared to the monthly allowance that they are paid forcing to seek affordable houses in the outskirts of the town far away from the schools in which they teach;
7. **THAT**, the above said situation has strained them financially them in regard to cost of transport, insecurity, service delivery, accessibility to markets and shops and other social amenities;
8. **THAT**, the matter presented in this petition is not pending before any Court of law or any constitutional or legal body;

THEREFORE, your humble Petitioners pray that the National Assembly through the Public Petitions Committee;

- i. Inquire into the living conditions of teachers working and residing within Kilifi Municipality;
- ii. Recommend that teachers in both Secondary and Primary Schools within Kilifi Municipality are facilitated to receive enhanced house allowance; and,
- iii. Makes any other recommendation or action it deems fit in addressing the plight of the Petitioners.

And your **PETITIONERS** will ever pray.

PRESENTED BY:


THE HON. OWEN YAA BAYA CBS, MP
MEMBER FOR KILIFI NORTH CONSTITUENCY

DATE: 8/8/2023



REPUBLIC OF KENYA
THE NATIONAL ASSEMBLY

MINUTES OF THE 56TH SITTING OF THE PUBLIC PETITIONS COMMITTEE HELD ON WEDNESDAY, AUGUST 30, 2023, IN GARDEN SUITE, HILTON GARDEN INN HOTEL AT 09.00 A.M.

PRESENT

- | | | |
|---|---|------------------|
| 1. Hon. Nimrod Mbithuka Mbai, M.P. | - | Chairperson |
| 2. Hon. Janet Jepkemboi Sitienei, M.P. | - | Vice Chairperson |
| 3. Hon. John Walter Owino, M.P. | | |
| 4. Hon. Ernest Ogesi Kivai, M.P. | | |
| 5. Hon. Joshua Chepyegon Kandie, M.P. | | |
| 6. Hon. Edith Vethi Nyenze, M.P. | | |
| 7. Hon. (Eng.) Bernard Muriuki Nebart, M.P. | | |
| 8. Hon. Maisori Marwa Kitayama, M.P. | | |
| 9. Hon. Peter Mbogho Shake, M.P. | | |
| 10. Hon. Caleb Mutiso Mule, M.P. | | |
| 11. Hon. Suzanne Ndunge Kiamba, M.P. | | |

APOLOGIES

1. Hon. Patrick Makau King'ola, M.P.
2. Hon. John Bwire Okano, M.P.
3. Hon. Bidu Mohamed Tubi, M.P.
4. Hon. Sloya Clement Logova, M.P.

IN ATTENDANCE

PETITIONER

Hon. Owen Baya, MP - Member of Parliament, Kilifi North Constituency

SECRETARIAT

- | | | |
|------------------------|---|------------------------------|
| 1. Mr. Samuel Kalama | - | Principal Clerk Assistant II |
| 2. Ms. Miriam Modo | - | Clerk Assistant I |
| 3. Ms. Anne Shibuko | - | Clerk Assistant I |
| 4. Mr. Shadrack Omondi | - | Legal Counsel II |
| 5. Mr. Martin Sigei | - | Research Officer III |
| 6. Ms. Rehab Chepkilim | - | Audio Officer |

Kenya National Union of Teachers (KNUT) Rachuonyo North Branch

- | | | |
|-----------------------------|---|---|
| 1. Mr. Patrick Were Onyango | - | Chairperson, KNUT Rachuonyo Branch |
| 2. Mr. Joshua Okinda | - | Vice Chairperson, KNUT Rachuonyo Branch |
| 3. Mr. Peter Obilo | - | KEPSHA Chairperson, Rachuonyo Branch |

MIN./PPETC/2023/360: PRELIMINARIES

The Chairperson called the meeting to order at 09.00 a.m and Hon. Joshua Kandie, M.P. said the prayers.

MIN./PPETC/2023/361: ADOPTION OF AGENDA

1. Prayer
2. Adoption of the Agenda
3. Confirmation of minutes of Previous Sittings
4. Matters Arising
5. **Consideration of Public Petition No. 44 of 2023 regarding Enhancement of House allowances for teachers working and residing within Kilifi Municipality**
 - *Meeting with the Petitioner (Hon. Owen Baya, MP)*
6. **Consideration of Public Petition No. 7 of 2023 regarding Gazettement of Rachuonyo North Sub - County as a hardship area**
 - (a) *Meeting with Chairperson of Parents Association, Rachuonyo North Subcounty (Mr. Gordon Osano); and*
 - (b) *Meeting with Chairperson, Kenya National Union of Teachers (KNUT) Rachuonyo North Branch (Mr. Patrick Were Onyango)*
7. **Consideration of Public Petition No. 8 of 2023 regarding Enactment of Legislation to Criminalize and Prescribe Penalties for the Crime of Enforced Disappearance**
 - (a) *Meeting with the Attorney General (Hon. Justin B.N. Muturi, EGH); and*
 - (b) *Meeting with Chairperson, Kenya National Human Rights Commission (KNHRC) (Mr. Davinder Lamba)*
8. Any other Business
9. Adjournment & Date of Next Meeting

Thereafter, the proposed Agenda of the Meeting was adopted to constitute business having been proposed by Hon. Edith Nyenze, M.P. and Hon. Peter Shake, M.P.

MIN./PPETC/2023/362: CONFIRMATION OF MINUTES OF PREVIOUS SITTING

The Agenda was deferred.

MIN./PPETC/2023/363: MATTERS ARISING

There were no matters arising.

MIN./PPETC/2023/364: CONSIDERATION OF PUBLIC PETITION NO. 14 OF 2023 REGARDING ENHANCEMENT OF HOUSE ALLOWANCES FOR TEACHERS WORKING AND RESIDING WITHIN KILIFI MUNICIPALITY

Brief by the Legal Counsel

The Legal Counsel briefed the Committee as follows: -

- i.) The Petitioner states that through a Kenya Gazette Notice dated 19th March, 2019 Kilifi Town was conferred to the status of Municipality which led to the enhancement of house allowances for civil servants.

- ii.) Teachers under the permanent and pensionable terms are paid house allowance every month by the Teachers Service Commission (“TSC”) based on the teachers’ job group, working condition and status of town and geographical area.
- iii.) The Salaries and Remuneration Commission (“SRC”) issued an enhanced house allowance classification of teacher’s work stations within Municipalities, whereby those residing in major towns receive a higher pay for house allowance so as to cushion them from the high cost of living and high cost of housing.
- iv.) The teachers working and residing within Kilifi Municipality allegedly feel discriminated and that their right and fundamental freedom infringed as prescribed by Article 27 of the Constitution.
- v.) Teachers in Kilifi Town are not paid a commensurate allowance as those residing in major towns hence seeking for house accommodation at the outskirts of Kilifi Town.
- vi.) Teachers residing and working within Kilifi Municipality experience very high cost of living, the cost of rental houses and basic commodities is high compared to the monthly allowance that they are paid forcing them to seek affordable houses in the outskirts of the town far away from the schools in which they teach.
- vii.) The above said situation has strained them financially with regards to the cost of transport, insecurity, service delivery, accessibility to markets and shops and other social amenities.
- viii.) The matter presented in the petition is not pending before any Court of law or any constitutional or legal body.
- ix.) The petitioner therefore seeks the intervention of this Honourable Committee to—
 - a) inquire into the living conditions of teachers working and residing within Kilifi Municipality;
 - b) recommend that teachers in both Secondary and Primary Schools within Kilifi Municipality are facilitated to receive enhanced house allowance and
 - c) make any other recommendation or action it deems fit in addressing the plight of the Petitioners.

Meeting with the Petitioner

Member for Kilifi North Constituency, Hon. Owen Baya, MP

The Petitioner appeared before the Committee and submitted as follows: -

- i.) The Salaries and Remuneration Commission (SRC) in fulfilment of its mandate of reviewing remuneration and benefits for public officers issued a circular in December 2014 that harmonized significant variations that existed before the review.

- ii.) A Gazette Notice of conferment of Kilifi Town as a Municipality was issued on 19th March 2019. The Municipality status resulted into a higher cost of living and increase of rent charged by land lords. Teachers thereby opt to seek cheaper housing outside municipality.
- iii.) The distance between the areas of residence and schools they work in are far. This demoralizes the teachers and greatly affects the value of service offered to students.
- iv.) Clause 7.6 of the Collective Bargaining Agreement between the Teachers' Service Commission and the Kenya Union of Post Primary Education Teachers (KUPPET) made on 13th July 2021 provides that House allowance shall be payable as per appendix 5 under *Major Municipalities* with rates ranging from Kshs. 4,500 to Kshs. 35,000 depending on the pay grade. This is the category which Kilifi falls under.
- v.) Unfortunately, teachers in Kilifi were getting House allowance under the category *All other areas* which ranges from Kshs. 3,200 to Kshs. 20,000.
- vi.) There was urgent need for SRC to review of House allowances for public officers in Kilifi to get the House allowance that they deserve.

Committee concerns

Evidence that the teachers are not being paid their rightful rate

The Committee sought evidence on whether teachers are not being paid the enhanced rate. The petitioner confirmed that teachers working and residing in Kilifi Municipality are paid the enhanced house allowance, and indeed he committed to submit pay slips from some teachers to the Committee as proof of the non-payment of the said allowance.

Timing of the various resolutions

The Committee observed that whereas the SRC issued a circular on payment of House allowances in 2014, Kilifi was conferred Municipality status in 2019.

This meant that by the time SRC was forwarding names of municipalities, Kilifi had not been conferred the status of a municipality.

Committee resolutions

The Committee resolved to engage and seek views from the Teachers Service Commission, Salaries and Remuneration Commission, KUPPET and KNUT within Kilifi Town with a view to address the prayers sought by the petitioner.

MIN./PPETC/2023/365: CONSIDERATION OF PUBLIC PETITION NO. 7 OF 2023 REGARDING GAZETEMENT OF RACHUONYO NORTH SUB - COUNTY AS A HARDSHIP AREA

Meeting with Chairperson of Parents Association, Rachuonyo North Subcounty (Mr. Gordon Osano)

The stakeholder did not appear before the Committee. The Agenda was deferred.

Meeting with Chairperson, Kenya National Union of Teachers (KNUT) Rachuonyo North Branch

The Chairperson, Kenya National Union of Teachers (KNUT) Rachuonyo North Branch, Mr. Patrick Were Onyango accompanied by Mr. Joshua Okinda and Mr. Peter Obilo appeared before the Committee and submitted as follows: -

Why Rachuonyo North is suitable for Gazettment as a hardship zone

1. Rachuonyo North Sub-County is on the Eastern side of Homa-Bay County. It borders Rangwe Sub-County to the West, Rachuonyo South to the South, Rachuonyo East to the South East, Kisumu County (Nyakach) to the East and a very long stretch of Lake Victoria to the length of the entire North.
2. The Hardship allowance extends beyond just financial incentives; it serves a lifeline for teachers grappling with varied and unique adversities. It provides a monthly reprieve while honouring the unwavering dedication of educators who choose where these challenges abound.
3. Supporting teachers in hardship zones transcends the classroom; it empowers the entire communities. Education, especially in such areas, forms the bedrock of progress, and these educators play a pivotal role in extending knowledge to remote, marginalized, nomadic, hard to staff areas. In Rachuonyo North, a big percentage are fishing nomads. The essence of Hardship Allowance invests in a brighter, more equitable future.
4. Rachuonyo North Sub-County experiences conditions that are congruent with those areas that have been awarded and gazetted as Hardship zone. They are but not limited to:
 - a) *Limited basic social services and amenities*- attempts have been made to increase the number of schools in Rachuonyo North in order to increase accessibility, retention of learners in schools. Many schools have been started on the basis of clans. However, the classrooms are in a pathetic state and most of them have mud floors. Teachers are not comfortable teaching in this region thereby affecting performance of students and transition rate to institutions of higher learning.
 - b) *Insecurity and high possibility of security threats* -the poverty index in Rachuonyo North stands at averagely 48.4%. This has led to high insecurity through thuggery, robbery and theft, posing a serious challenge to the teachers and the rest of the workforce who are most vulnerable. since they are not very familiar with the locals. Increased cases of defilement have also resulted in most teenage pregnancies. Many teachers have in turn run away in search of safer areas and the remaining lot have thus remained vulnerable for insecurity.
 - c) *Persistent harsh climatic conditions like flooding, landslides and drought*- every rain season, many parts of Rachuonyo North are prone to floods. Schools that are on a little raised grounds are used as rescue sites during which no learning take place. The most affected schools when River Sondu Miriu breaks its banks include Osodo, Kobuya, Kobala of Miriu Zone, and when River Awach breaks its banks and the Alego Kamsar Swamp Kimira, Kibugu, Lieta and Ngeta of Nyakongo Zone, Bala area of Kandiege Zones. During the entire flooding period, schools are not in operation in such areas as both pupils and teachers are also in the makeshift camps in

the schools. Here, they either wait for relief food or donated blankets in the mosquito infested stagnant floods.

Frequent landslides have led to falling of all electricity poles leaving the area in darkness. Teachers are reluctant to teach in schools in the area due to absence of facilities such as electricity.

- d) *Inaccessibility to food*-the main economic activity in the area is fishing. The amount and size of fish have gone down drastically due to overfishing. In addition, invasion of the lake by water hyacinth has led to inaccessibility to the fish. To handle the challenges, children go fishing overnight even during school days and are sleepy and tired when they attend school, thereby affecting their concentration to studies.

The other source of living is sand mining that is carried out along the lake, along the river banks and on lands which are predominantly sandy. These have left very ugly sites of pits which are at times filled with water to be breeding sites for mosquitoes. The lands have been overmined to the extent that no agriculture can take place leading to inaccessibility to food. The Kobala, Kobuya, Kamwala areas of Miriu Zone, the Kajiei area of Rambira Zone and the Miti Mbili area of Pala and Homa Zones are prone to these.

Harsh climatic conditions where the rains have become very unpredictable, the poor soils which are mostly sandy have seriously affected crop yields. For the last 7 years or so, the region has not had any substantive harvest. When it rains, majority of areas have their crops flooded seriously destroying the crops as in Osodo area of Miriu Zone, Kimira, Kibugu, Osika areas of Nyakongo zones.

All the 9 zones have a common border with the lake, since Rachuonyo North has the longest coastline in Nyanza. Residents who do farming along the long stretch of the lake have had their crops completely destroyed by hippos. The hippos are herbivores and the persistent drought has made it difficult to access food too, thereby, having the food crops along the lake as their source of food.

- e) *Lack of clean water*- shortage of water has been and is still a constant menace to the people of Rachuonyo North. There are three major rivers; River Sondu Miriu at the Eastern border with Kisumu County, River Oluch at the border with Rangwe and River Awach passing through Kendu Zone into Lake Victoria.

Most schools use rain catchment water, which going by the harsh climatic conditions, is very irregular. The most hit areas are Apuko area of Miriu Zone, Obangla and Gungu area of Rambira Zone, Ngoche, Bware, Makaka area of Kendu Zone, Bongia area of Nyakongo Zone, Wikondiek, Wimagak, Rabware areas of Omboga Zone, Omindi, Rabuor, God Ndonyo area of Kandiege Zone, Adhiro, Otaru area of Pala Zone, Kodula, Dhok Mit area of Got Oyaro zone and the Homa Hills area of Homa Zone.

Children have to carry water every day in tins to be used at school by both teachers and learners. Water vendors who get the water from the polluted and water hyacinth infested lake sell at Kshs. 40 for a 20litre container.

f) *Inadequate transport and communication network*- Rachuonyo North Sub-County has one major tarmac road running from Nyakwere in Miriu zone, through Rambira, Kendu, Nyakongo and Kandiege zones at the Nyangweso border with Rangwe Sub-Counties, the other one running from Kendu-Bay to Mawego. The rest of the road network is barely accessible. This cuts across all the 9 zones of Rachuonyo North.

g) *Inadequate teacher staffing*- inaccessibility to food, poor infrastructure, the rough terrain especially in the upper parts of the Sub-County, has resulted into teachers preferring to be posted to the neighbouring Sub-Counties that have been gazetted as hardship zones. These areas include Suba Central, Suba North, Suba South (all in Homa-Bay County), Homa-Bay Sub-County, which enjoy enhanced House Allowance as it a former major Municipality, and Nyakach and Muhoroni Sub-Counties of Kisumu County.

Teachers who were delocalized to the fertile and high rainfall Kisii, Nyamira and parts of Migori counties and to hardship Suba, Muhoroni and Nyakach have refused to be rerouted back to Rachuonyo North. In Primary schools,, the ration of teachers to pupils stands at 1;80 while in Secondary schools, it stands at 1:75. Gazetting the area as a hardship area would attract teachers to the area and would to a large extent reduce understaffing.

h) *HIV Prevalence*- the Sub-County has the longest coastline of Lake Victoria. The beaches attract fishermen and fish mongers from different parts of the country and even beyond. These are recipes for anti-social and moral decadence. Population of school going children is big around these areas and so is the working force mostly teachers. The County of Homa-Bay, where Rachuonyo North is part and parcel of, has a HIV/AIDS prevalence of nearly 4.5 times higher than the national prevalence at 26.0%. the County contributed 15.10% and 14.0% of the total new HIV/AIDS infections among children and adults respectively.

i) *High occurrence of teenage pregnancy* - according to Kenya Demographic and Health Survey Report, the county has 24% prevalence in teen pregnancies, among the top 3 counties in Kenya. Rachuonyo North contributes a bigger percentage of the pregnancies. These have seriously negatively affected the lives of learners and teachers who are expected to ensure the teenagers attend school to completion. It was reported that sex pests take advantage of of the vulnerability and poverty of the girls and lure them into sexual intercourse at such tender ages. It takes resilience for a teacher to model a child parent.

j) *Neighbourhood counties getting Hardship Allowance* -the 9 Sub-Counties in Homa Bay County share common demographics. Rachuonyo North shares several features with Suba North, Suba Central and Suba South since the communities living in these areas are fishing nomads, who move from one place to the other in search of fish and often stray into Uganda and Tanzania waters. This has often put the fishermen at loggerheads with Uganda over the fishing grounds. The 3 Suba Sub-Counties have been mapped out and gazetted as hardship zones yet the Rachuonyo North has remained isolated. Teachers are seeking transfers to Suba and leaving Rachuonyo North in droves.

Rachuonyo North borders Nyakach Sub-County to the East. In terms of climate, the two Sub-Counties share similar characteristics and so is the terrain. Nevertheless, the Sondu and Nyabondo areas of Nyakach are more economically potential.

Nyakach has just a small stretch of Lake Victoria, yet Rachuonyo North has over 40km stretch as the lake borders the entire norther part of Rachuonyo North. Nyakach had been mapped out and gazetted as a Hardship zone and so is the Muhoroni in Kisumu County which is partly a sugar-belt. Most of our teachers have run to Nyakach, others have gone up to Muhoroni to benefit from the Hardship Allowance leaving Rachuonyo North understaffed.

In view of these, the only way to mitigate Rachuonyo North from such unique and diverse factors is to map it out and accept its gazettement as a Hardship zone.

5. The National Council for Nomadic Education in Kenya (NACONEK) via a letter dated 17th July 2023 wrote to the County Director of Education Homa-Bay addressed to Ndhiwa, Rachuonyo North and Suba Sub-Counties on distribution of Fortified composite instant uji flour for drought intervention schools. The inclusion of Rachuonyo North together with Suba Sub-Counties is a clear indicator that it falls among the vulnerable Hardship areas of Homa-Bay County.
6. The Petitioner concluded his submissions by requesting the Committee to fast track the legislative process with a view to consider mapping out Rachuonyo North Sub-County as a Hardship area upon examining the factors mentioned and others that were not mentioned in this document.

Committee concerns

i. Efforts made to have the gazettement done

The Committee enquired on efforts the stakeholders had made to have Rachuonyo North gazetted as a hardship area.

The stakeholders responded that the matter had been raised in the past through previous Members of Parliament but it had not been addressed. The teaching fraternity of Rachuonyo North had also tried to raise the matter with the current leadership, but the efforts had not been fruitful.

ii. Effectiveness of the National Government Constituencies Development Fund in the Constituency

The Committee sought views of the stakeholders on the effectiveness of NG-CDF, given that the photos shared in the stakeholders' submission depicted a delapidated state of schools.

The stakeholders responded that while the NG-CDF played a huge role, it was not sufficient to cover the large number of schools in the constituency.

iii. Scope of the hardship allowance

The Committee asked whether the intention of the gazettement was to gain hardship allowance for teachers only.

The stakeholders explained that once the area is declared a hardship area, the gazettelement will have a ripple effect on other public officers serving in the area.

Further, the Ministry of Education will enable the area benefit from several government programmes that fall under other sectors such as health and agriculture, thereby benefitting the entire community.

iv. *Efforts made by the county government to reduce marginalization*

The Committee asked what effort had been made by the County Government to seek for gazettelement as hardship area. The stakeholders responded that its role was limited since Education is a function of the National Government, and only Early Childhood fell under the County Government.

MIN./PPETC/2023/366: CONSIDERATION OF PUBLIC PETITION NO. 8 OF 2023 REGARDING ENACTMENT OF LEGISLATION TO CRIMINALIZE AND PRESCRIBE PENALTIES FOR THE CRIME OF ENFORCED DISAPPEARANCE

Meeting with the Attorney General (Hon. Justin B.N. Muturi, EGH)

The petitioner did not appear before the Committee. The Agenda was therefore deferred.

MIN./PPETC/2023/367: ADJOURNMENT AND DATE OF THE NEXT MEETING

There being no other business, the Chairperson adjourned the meeting at 12:30 p.m. The next meeting would be held on Wednesday, 30th August 2023 at 3.00 p.m.

Sign:
(CHAIRPERSON)

Date..... 07/11/2023





REPUBLIC OF KENYA
THE NATIONAL ASSEMBLY

MINUTES OF THE 79TH SITTING OF THE PUBLIC PETITIONS COMMITTEE
HELD ON WEDNESDAY, NOVEMBER 15, 2023, IN COMMITTEE ROOM 12,
GROUND FLOOR, MAIN PARLIAMENT BUILDINGS, AT 11.00 A.M
PRESENT

1. Hon. John Bwire Okano, M.P. - Chairing
2. Hon. Joshua Chepyegon Kandie, M.P.
3. Hon. John Walter Owino, M.P.
4. Hon. Ernest Ogesi Kivai, M.P.
5. Hon. Maisori Marwa Kitayama, M.P.
6. Hon. Edith Vethi Nyenze, M.P.
7. Hon. Bidu Mohamed Tubi, M.P.
8. Hon. Suzanne Ndunge Kiamba, M.P.
9. Hon. Sloya Clement Logova, M.P.

APOLOGIES

1. Hon. Nimrod Mbithuka Mbai, M.P. - Chairperson
2. Hon. Janet Jepkemboi Sitienei, M.P. - Vice Chairperson
3. Hon. Patrick Makau King'ola, M.P.
4. Hon. Caleb Mutiso Mule, M.P.
5. Hon. (Eng.) Bernard Muriuki Nebart, M.P.
6. Hon. Peter Mbogho Shake, M.P.

SECRETARIAT

1. Mr. Ahmed Kadhi - Senior Clerk Assistant
2. Ms. Miriam Modo - Clerk Assistant I
3. Ms. Willis Obiero - Clerk Assistant III
4. Mr. Shadrack Omondi - Legal Counsel II
5. Ms. Lilian Mburugu - Media Relations Officer III
6. Mr. Martin Sigei - Research Officer III
7. Ms. Felistus Muiya - Protocol Officer
8. Mr. Moses Lokeny Ekutan - Attaché (Starehe Boys Centre and School)

IN ATTENDANCE

SALARIES AND REMUNERATION COMMISSION (SRC)

1. Mr. John K. Monyoncho - Commissioner
2. Ms. Nelly Peris Ashubwe - Commissioner
3. Director

TEACHERS SERVICE COMMISSION (TSC)

1. Dr. Nancy Macharia - CEO
2. Mr. Cavin Anyuor - Director, Legal
3. Dr. Julius Olayo - Deputy, Human Resource Manager
4. Ms. Eveleen Mitei - Director, Filed Services
5. Ms. Sylvia Ngere - Legal Counsel
6. Ms. Jane Kimathi - PACS

MIN./PPETC/2023/494: PRELIMINARIES

The Chairperson called the meeting to order at 11:00 a.m. and Hon. John Walter Owino, M.P. said the prayers.

MIN./PPETC/2023/495: ADOPTION OF AGENDA

1. Prayer
2. Adoption of the Agenda
3. Confirmation of minutes of previous sittings
4. Matters Arising
5. **Consideration of a Public Petition regarding enhancement of House Allowances for Teachers Working and Residing within Kilifi Municipality**
 - *Meeting with the Salaries Remuneration Commission (SRC)*
6. **Meeting with the CEO, Teachers Service Commissions (TSC) regarding -**
 - i.) *Public Petition regarding the Deregistration and dismissal of Mr. Joseph Kimeli Chebii by the Teachers Service Commission.*
 - ii.) *Public Petition regarding Enhancement of House Allowances for Teachers Working and Residing within Kilifi Municipality.*
 - iii.) *Public Petition regarding the Gazettement of Rachuonyo North as a hardship area.*
7. **Meeting with CS, Ministry of Environment, Forestry and Climate Change regarding -**
 - i.) *Public Petition regarding Delayed Adjudication and Settlement of Squatters after the expiry of Lease of Macalder Mines Ltd. Land*
 - ii.) *Public Petition regarding the Declaration of Mukutani Forest as a Public Forest*
8. **Consideration and adoption of Public Petition No. 01 of 2023 regarding Poor Implementation of Edu-Afya Medical Scheme in Public Secondary Schools.**
9. **Consideration and adoption of Public Petition No. 05 of 2023 regarding Ward-Based Solution as a long-term remedy to perennial water shortage in Kenya.**
10. Any Other Business

11. Adjournment

Thereafter, the proposed Agenda of the Meeting was adopted to constitute business having been proposed by Hon. Bidu Mohamed Tubi, M.P. and seconded by Hon. John Walter Owino, M.P.

MIN./PPETC/2023/496: CONFIRMATION OF MINUTES OF PREVIOUS SITTING

The Agenda was deferred.

MIN./PPETC/2023/497: CONSIDERATION OF A PUBLIC PETITION REGARDING
ENHANCEMENT OF HOUSE ALLOWANCES FOR
TEACHERS WORKING AND RESIDING WITHIN KILIFI
MUNICIPALITY

Meeting with the Salaries Remuneration Commission (SRC)

SRC led by Commissioner Mr. Kennedy Monyoncho appeared before the Committee and submitted that -

- i.) The issues raised by the petitioners was the mandate of SRC as they relate to the review of an allowance.
- ii.) SRC was undertaking progressive harmonization of house allowance and in the current 3rd remuneration and benefits review cycle (FY 2021/22 - FY 2024/25), the rates for Cluster 3 (other former municipalities) and Cluster 4 (all other areas) would be harmonized from 1st July 2024. SRC has communicated the new rates to TSC for both phases vide a letter dated 31st July 2023 as adopted in the 2021-2025 CBAs for Teachers.
- iii.) Kilifi Town which was under Cluster 4 (all other areas) had benefitted from the new review of house allowance and from 1st July 2023 teachers working in the area would be draw the allowance at similar rates as Cluster 3 (other former municipalities). The aim of SRC was to fully harmonize house allowance into one cluster taking into consideration affordability and sustainability.
- iv.) A review of the allowance for one group of public servants would lead to inequity and unfairness in pay.

Therefore, SRC advised that the teachers submit their request to SRC through their employer TSC for consideration in line with the mandate of SRC.

Members Concerns

- i.) Regarding the frequency of review of house allowances, the Commission indicated that remuneration was reviewed every four years. In the third cycle of FY 2021/2024, the review considered affordability and sustainability, and enhanced the house allowances were considered.
- ii.) Regarding the different classifications of teachers unlike other civil servants in consideration of hardship areas, the Commission stated that the Commission considers house allowances for every public servant. Currently, four (4) categories were set including

cities, major municipalities, other municipalities, and other towns. However, teachers had slightly more designated hardship areas compared to other civil servants as advised by TSC.

- iii.) **Regarding whether SRC considers increment based on the status of a municipality**, the Commission indicated that if the municipality was part of the categorization the review would not factor the status of the municipality but rather the categorization put in place in terms of the various clusters. Further, a review of house allowance by grade other than municipality is achievable subject to affordability and sustainability. Teachers of Kilifi North belonged to a CBA with TSC registered on 26th October, 2023 where the house allowances had been addressed hence it was not possible to change the terms of the CBA midstream as it was legally binding.
- iv.) **Regarding the role of SRC on employers who do implement the advisory**, the mandate of the Commission was set, review, and advise on the remuneration of all public servants, and employers are expected to implement the advisory. The Commission further, establishes the status of implementation of its advisories, and the challenges therein through monitoring and evaluation exercises conducted twice annually to resolve the issues. Further, employers are encouraged to write to the SRC on challenges experienced. However, the intention was to move towards full harmonization gradually. The Auditor General ensured on the implementation of the advisory. However, the Commission lacked enforcement mandate for employers who do not implement the advisory.
- v.) **Regarding whether employees could benefit from enhanced allowances outside the CBAs**, the Commission indicated that joining trade unions was voluntary and constitutional. However, SRC still advises on remuneration even outside a CBA.
- vi.) **Regarding whether all civil servants were being subjected to the municipality's rule in determining house allowances**, the Commission indicated that it remunerates salaries and allowances for state officers who were mostly in the cities, as well as other public officers depending on where they live. The categorization was applicable to civil servants based on the salary structure to ensure fair implementation of remuneration. However, other unique areas could be relooked through consolidated pay.
- vii.) **Regarding the determination of the categorization of municipalities and other hardship areas and the transition for remuneration after gazettelement**, the Commission indicated that the Ministry of Ministry of Public Service, Performance and Delivery Management is responsible for gazetting hardship areas and informs SRC to advise on the remuneration of salaries and allowances accordingly based on affordability and sustainability. Therefore, there is a need for the Ministry to harmonize all hardship areas to address existing gaps in the remuneration of civil servants. On the transition for review of house allowances, the Commission indicated that it was automatic for the various teachers or other civil servants to get the rightful pay once their areas had been gazetted.
- viii.) **Regarding employees benefiting from backdated claims not received after a change of municipality status**, the Commission indicated that there was need to establish the contractual agreements therein compelling the employers to pay. However, the Commission

could assist even individual cases that could be raised through the employer and sent to SRC to ensure the constitutional principles are maintained.

MIN./PPETC/2023/498: MEETING WITH THE CEO, TEACHERS SERVICE COMMISSIONS (TSC)

The CE of TSC, Dr. Nancy Macharia, appeared before the committee to respond to the following Petitions -

Public Petition regarding the Deregistration and dismissal of Mr. Joseph Kimeli Chebii by the Teachers Service Commission.

- i.) The Commission was a Constitutional body bound by the provisions of Chapters 6, 10, and 232 of the Constitution that provide for the integrity of public officers, national values and principles of governance, and the values and principles of public service.
- ii.) In discharging the mandate to discipline teachers, the Commission is guided by its duty under Article 53 to protect learners from any form of abuse including sexual abuse, and always consider the best interest of the learners.
- iii.) Further the Commission is alive to the right of every learner to access basic education provided under Article 43 of the Constitution. To this end, the Commission has a role in ensuring the actualization of this right by creating a conducive and safe environment for learners.
- iv.) To better execute its mandate, the National Assembly enacted the Teachers Service Commission Act, 2012, and the Code of Regulations for Teachers (CORT) 2015. Part IX of the CORT extensively provides for discipline procedure that is in tandem with the principles of fair hearing as envisioned in the Constitution and the relevant legislations.
- v.) Mr. Joseph Chebii was a teacher registered and employed by the Commission until 4th June 2015 when he was dismissed and removed from the Register following accusations of immoral misconduct in that he had sexual intercourse with M. J. who was a standard 6 pupil at Kibirech Primary School in Marakwet West Sub County.
- vi.) Prior to his dismissal from service the Commission in line with its mandate undertook a fair and procedural disciplinary process that included:
 - a) Collection of statements from the victim and the teacher;
 - b) Conducting independent investigations;
 - c) Serving the teacher with an interdiction letter;
 - d) Granting the teacher an opportunity to respond to the allegations;
 - e) Granting the teacher an opportunity to be heard in person;
 - f) Granting the teacher an opportunity to cross-examine
 - g) Granting the teacher the right of Appeal witnesses;
- vii.) During the disciplinary process witnesses including the victim and her parents were consistent in their evidence that indeed Mr. Chebii had abused the victim. Mr. Chebii on the

other hand, did not present any evidence/material to disapprove the allegations. The elaborate hearing culminated in the considered decision to dismiss and deregister him.

viii.) Mr. Chebii formally appealed the decision. Subsequently, the Teachers Service Review Committee considered the appeal, evaluated the facts, and the circumstances of the case, and upheld the earlier decision to have him dismissed and deregistered.

ix.) Further, Mr Chebii was charged in a criminal court with the offense of defilement contrary to the Sexual Offences Act and was acquitted based on the DNA test that showed he was not the biological father of the victim's child in Criminal Case 862 of 2014: State vs. Joseph Kimeli Chebii.

x.) However, the Commission was not a party to the court process and neither participated in the criminal court case. The criminal proceedings were instigated and prosecuted by the police pursuant to the provisions of the Penal Code, the Sexual Offences Act, and the Police Act which were in no way to impact or oust the administrative action undertaken by TSC under the TSC Act and Employment Act.

xi.) Notwithstanding the above, Section 31 of the Teachers Service Commission Act allows Mr Chebii to apply for reinstatement of his name to the Register of Teachers.

xii.) Therefore, it was the position of TSC that Mr Chebii was taken through a fair and lawful disciplinary process in line with the Constitution, Employment Act, and the Code of Regulations. Further, there are no grounds for reversal of the dismissal decision.

Committee Concerns

(i) **Regarding the possibility of teachers targeted using claims of immoral behaviour**, the Commission stated that TSC's mandate was limited to disciplinary processes. Further, about 50 percent of such cases were acquitted based on evidence provided. However, in the case of Mr Chebii, there was compelling evidence leading to his dismissal.

(ii) **Regarding whether a cross-examination opportunity was granted to Mr Chebii**, the Commission reiterated that Mr Chebii was given ample opportunity to cross-examine the witness. Further, Mr Chebii did not appear before the County Director as indicated in the Petition, but he appeared before a panel of TSC Commissioners.

(iii) **Regarding whether Mr Chebii could apply for reinstatement in the Register of Teachers to continue the practice**, the Commission indicated that he would be allowed to be reinstated in the Register to continue practice anywhere in the world except with the TSC.

(iv) **As to whether TSC was obliged to respect the court decision in the criminal case**, the Commission stated that while it respects the court decision, the orders in the criminal court case did not direct TSC on any matter. However, if Mr Chebii had appealed in the employment court where such disputes are resolved, TSC would have taken direction as issued by the employment court, but he never appealed and cannot rely on the criminal court.

- (v) Regarding the evidence relied upon by TSC, the Commission indicated that it relied on the witness statement by the victim, her headteacher and deputy, parents, and classmates. Further, during cross-examination, the victim was presented before Mr Chebii but he did not challenge the statement provided by the girl hence TSC relied on the uncontroverted evidence by the girl and other circumstantial evidence.
- (vi) Regarding the pardon of Mr Chebii, the Commission indicated that the rules and regulations under which the TSC operates did not provide for pardon.

Public Petition Regarding Enhancement of House Allowances for Teachers Working and Residing within Kilifi Municipality

- i.) Pursuant to Article 230 of the Constitution, the Salaries and Remuneration Commission (SRC) has the mandate to advise on remuneration and benefits of public officers including the teaching service. In the exercise of this mandate, SRC issued an advisory vide letter ref: SRC/TS/MDP/3/1/2 (2) dated 11th August 2015 on the payment of house allowance for public officers.
- ii.) In the said advisory, the SRC categorized the Country into four (4) clusters for purposes of payment of house allowance namely *Nairobi, former major municipalities, other former municipalities, and other areas.*
- iii.) At the time the advisory was issued, Kilifi was a township and was gazetted as such as per Gazette Notice No. 10557 of 2007 hence fell under Cluster 4. Cluster 4 rates are payable to teachers stationed in townships and rural areas.
- iv.) Accordingly, in compliance with the advisory of the SRC teachers in Kilifi have been receiving house allowance under Cluster 4.
- v.) While the Commission is aware that Kilifi Township was gazetted as a municipality in March 2019, the SRC did not review or render an advisory on the review of house allowance payable to teachers in Kilifi town until 31st July 2023.
- vi.) The Commission has received an advisory from SRC recommending the review of Cluster 4 house allowances payable to teachers. To this end, house allowance for Cluster 3 and Cluster 4 shall be harmonized in two phases with full harmonization to be realized on 1st July 2024.
- vii.) On 29th August 2023, the Commission signed an addendum to the 2021-2025 CBA with teacher unions effective 1st July 2023 as per the SRC advisory. Accordingly, Phase 1 of the harmonization had already been effected in the August 2023 payroll.
- viii.) Accordingly, with effect from 1st July 2023, teachers in Kilifi Municipality received an enhanced house allowance as advised by SRC.

Committee Concerns

Regarding the transition during the change of status of an area to a different cluster, the Commission stated that all remunerations were effected on the advisory of SRC. In the SRC advisory of 20The cities are upgraded but TSC awaiting the advisory of SRC and then pay. Further, the National Treasury would not release money. SRC can gazette. The advisory did not say to pay higher allowances.

Public Petition regarding the Gazettement of Rachuonyo North as a hardship area.

- i.) That under the Constitution of Kenya, the TSC had no legal mandate to gazette any area as a hardship. The mandate to designate an area as a hardship area vests with the Ministry of Public Service, Performance and Delivery Management.
- ii.) Regulation 91 of the Code of Regulations for Teachers requires the Commission to pay hardship allowance to a teacher assigned to teach in a school situated in a designated and gazetted hardship area.
- iii.) The designated hardship areas were gazetted in Legal Notice 534 of 1997. In Homa Bay County, the gazetted areas are Mfangano and Rusinga Islands in Suba North. Rachuonyo North is not gazetted as a hardship area.

Committee Concerns

- i.) Regarding the role of TSC in the gazettement of hardship areas and addressing inequality amongst teachers, the CEO indicated that the gazettement of hardship areas was done by the Ministry of Public Service, Performance and Delivery Management. However, the Commission had made submissions to the multiagency team working on the harmonization of hardship areas. The report by the team was yet to be approved by Cabinet. Further, the Commission was aware of the inequalities in the classification of hardship areas across the civil service and had engaged the Ministry to harmonize as TSC did not have the mandate.
- ii.) Regarding the structure for reviews for hardship areas, the Commission reiterated that the Ministry of Public Service, Performance and Delivery Management was developing guidelines from time to time for gazettement and TSC could only make submissions. However, the Ministry had undertaken a comprehensive study of the country for harmonization and gazettement of the deserved hardship areas as some areas previously considered as hardship areas may no longer be.
- iii.) Regarding whether TSC could handle the mandate of gazetting hardship areas for teachers, the Commission stated that a change in legislation to give TSC the mandate was welcome. However, harmonization across other civil would still be a concern.

MIN./PPETC/2023/499: MEETING WITH CS, MINISTRY OF ENVIRONMENT, FORESTRY AND CLIMATE CHANGE

The Agenda was deferred.

MIN./PETC/2023/500: CONSIDERATION AND ADOPTION OF PUBLIC PETITION NO. 01 OF 2023 REGARDING POOR IMPLEMENTATION OF EDU-AFYA MEDICAL SCHEME IN PUBLIC SECONDARY SCHOOLS.


The Agenda was deferred.

MIN./PETC/2023/501: CONSIDERATION AND ADOPTION OF PUBLIC PETITION NO. 05 OF 2023 REGARDING WARD-BASED SOLUTION AS A LONG-TERM REMEDY TO PERENNIAL WATER SHORTAGE IN KENYA.

The Agenda was deferred.

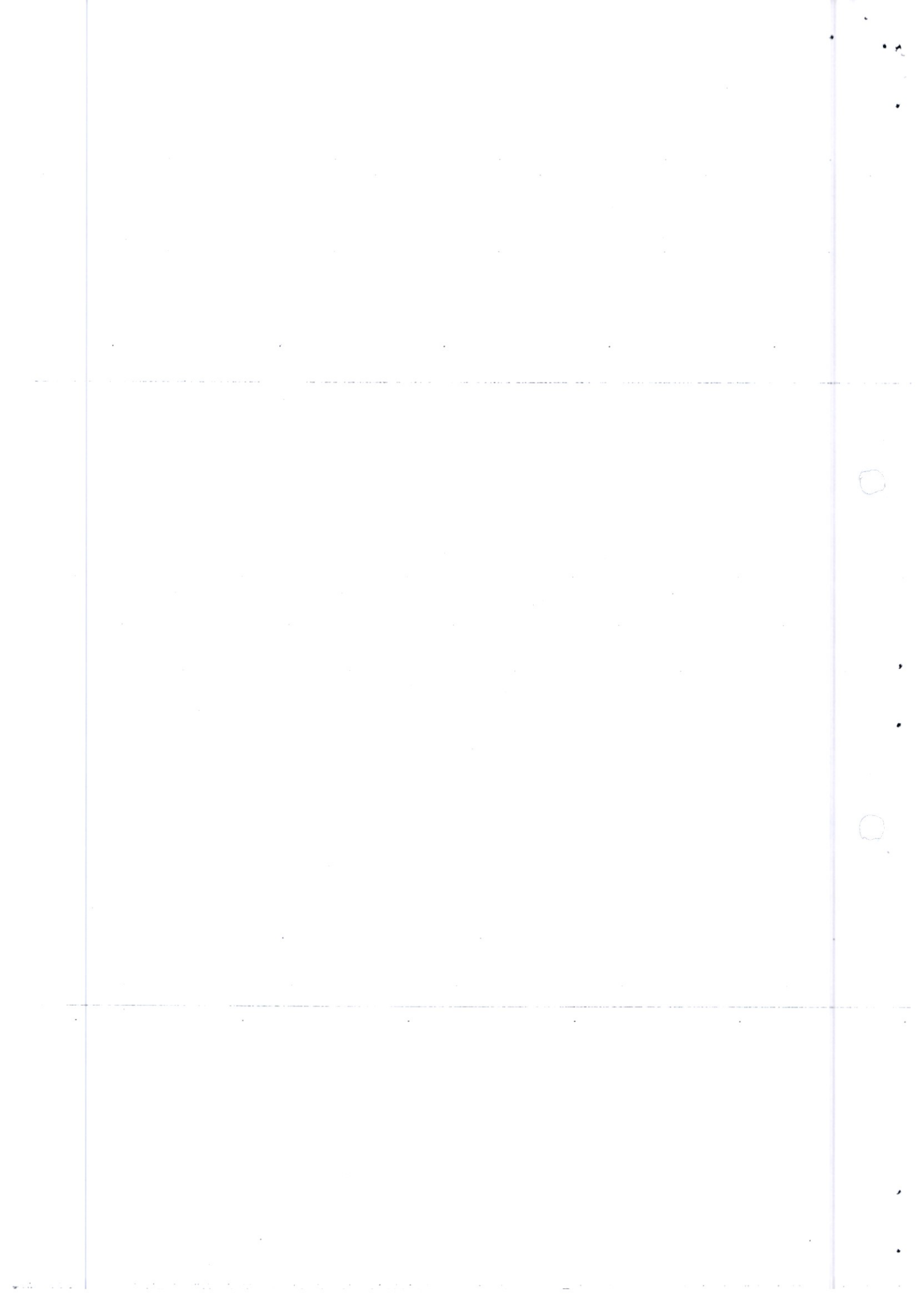
MIN./PETC/2023/502: ADJOURNMENT AND DATE OF NEXT MEETING

There being no other business, the Chairperson adjourned the meeting at 2:15 p.m. The next meeting will be held on Wednesday, 15th November, 2023 at 3.00 p.m.

Sign: 

(CHAIRPERSON)

Date..... 29/11/2023





REPUBLIC OF KENYA
THE NATIONAL ASSEMBLY

MINUTES OF THE 15TH SITTING OF THE PUBLIC PETITIONS COMMITTEE HELD ON MONDAY, MARCH 25, 2024, IN MEDUSA 2 ROOM, MARINA ENGLISH POINT HOTEL, MOMBASA COUNTY AT 02.30 P.M

PRESENT

1. Hon. Janet Jepkemboi Sitienei, M.P. - Vice Chairperson
2. Hon. Joshua Chepyegon Kandie, M.P.
3. Hon. Ernest Ogesi Kivai, M.P.
4. Hon. Bidu Mohamed Tubi, M.P.
5. Hon. John Walter Owino, M.P.
6. Hon. Caleb Mutiso Mule, M.P.
7. Hon. Maisori Marwa Kitayama, MP
8. Hon. (Eng.) Bernard Muriuki Nebart, M.P.
9. Hon. Edith Vethi Nyenze, M.P.
10. Hon. Suzanne Ndunge Kiamba, M.P.
11. Hon. John Bwire Okano, M.P.
12. Hon. Peter Mbogho Shake, M.P.

APOLOGIES

1. Hon. Nimrod Mbithuka Mbai, M.P. - Chairperson
2. Hon. Patrick Makau King'ola, M.P.
3. Hon. Sloya Clement Logova, M.P.

IN-ATTENDANCE

1. Mr. Noah Too - Principal Clerk Assistant I

SECRETARIAT

2. Mr. Ahmed Kadhi - Senior Clerk Assistant
3. Ms. Miriam Modo - Clerk Assistant I
4. Ms. Anne Shibuko - Clerk Assistant I
5. Mr. Willis Obiero - Clerk Assistant III
6. Ms. Peninnah Naisiae - Legal Counsel II
7. Mr. Martin Sigei - Research Officer III
8. Ms. Roselyn Njuki - Senior Serjeant-at-Arms I
9. Mr. Calvin Karungo - Media Relations Officer III
10. Mr. Peter Mutethia - Audio Officer
11. Ms. Felistas Muiya - Public Communications Officer

MIN./PPETC/2024/ 100: PRELIMINARIES

The Chairperson called the meeting to order at 02:30 p.m. and proceedings began with prayers by Hon. John Walter Owino, M.P.

MIN./PPETC/2024/101: ADOPTION OF AGENDA

AGENDA

1. Prayer
2. Adoption of the Agenda
3. Confirmation of minutes of previous sittings
4. Matters Arising
5. Consideration of Report on Public Petition No. 34 of 2023 regarding Deregistration and Dismissal of Mr. Joseph Kimeli Chebii by the Teachers Service Commission.
6. Consideration of Report on Public Petition No. 44 of 2023 regarding enhancement of House Allowances for Teachers working and residing within Kilifi Municipality.
7. Any Other Business
8. Adjournment

The Agenda was adopted to constitute business having been proposed by Hon. Joshua Kandie, M.P. and seconded by Hon. Bidu Mohammed, M.P.

MIN./PPETC/2024/102: CONFIRMATION OF MINUTES OF PREVIOUS SITTINGS

The Agenda was deferred.

MIN./PPETC/2024/103: CONSIDERATION OF REPORT ON PUBLIC PETITION NO. 34 OF 2023 REGARDING DEREGISTRATION AND DISMISSAL OF MR. JOSEPH KIMELI CHEBII BY THE TEACHERS SERVICE COMMISSION

The Committee reviewed the draft Report and made the following observations:

- (i) Mr. Joseph Chebii was a teacher registered and employed by the TSC until 4th June 2015 when he was dismissed and removed from the Register following accusations of immoral misconduct in that he had sexual intercourse with M. J. who was a standard 6 pupil at Kibirech Primary School in Marakwet West Sub County. Subsequently, Chebii's name was removed from the teacher's register on the same grounds despite various appeals on the decision of the Commission.
- (ii) Mr. Chebii was taken through a fair and lawful disciplinary process in line with the Constitution, Employment Act, and the Code of Regulations. Further, there were no grounds for reversal of the dismissal decision against him.
- (iii) During the disciplinary process, witnesses including the victim and her parents were consistent in their evidence that indeed Mr. Chebii had abused the victim. Mr. Chebii on the other hand, did not present any evidence/material to disapprove the allegations which culminated in the considered decision to dismiss and deregister him.

- (iv) DNA evidence later indicated that Chebii was not the father of the complainant's child. He was acquitted by a Magistrate's Court in 2018, and an attempt to revise the case in the High Court was unsuccessful.
- (v) Before dismissal from service TSC in line with its mandate undertook a fair and procedural disciplinary process that included -
- a) collection of statements from the victim and the teacher;
 - b) conducting independent investigations;
 - c) serving the teacher with an interdiction letter;
 - d) granting the teacher an opportunity to respond to the allegations;
 - e) granting the teacher an opportunity to be heard in person;
 - f) granting the teacher an opportunity to cross-examine witnesses; and
 - g) granting the teacher, the right to appeal.
- (vi) Mr. Chebii formally appealed the decision and subsequently, the Teachers Service Review Committee considered the appeal, evaluated the facts, and the circumstances of the case, and upheld the earlier decision to have him dismissed and deregistered.
- (vii) Mr. Chebii was charged in a criminal court with the offence of defilement contrary to the Sexual Offences Act and was acquitted based on the DNA test that indicated that he was not the biological father of the victim's child in Criminal Case 862 of 2014: State vs. Joseph Kimeli Chebii.
- (viii) The aggrieved teacher did not lodge or institute an application for reinstatement of his name to the register of teachers within eighteen months from the date of removal of the name from the register in compliance with Section 31 of the TSC Act.
- (x) The aggrieved teacher could seek for reinstatement of his name to the register of teachers and secure employment elsewhere but he cannot be re-employed by the TSC.
- (x) TSC disregarded the decision of the court as the orders did not direct TSC on any matter unlike if the aggrieved teacher would have appealed to the Employment Court where such matters are resolved.

The Committee made the following recommendations:

Prayer No. 1: *Investigate the matter with a view of declaring the dismissal and deregistration of Mr. Chebii as unfair, unlawful and irregular;*

The Committee having -

- a) summoned the CEO of the Teachers Service Commission (TSC), Dr. Nancy Macharia, who appeared before the Committee on Wednesday, November, 15, 2023 and apprised the Committee of the matter;
- b) noted that TSC is a Constitutional body bound by the provisions of Chapters 6, 10, and 232 of the Constitution that provide for the integrity

of public officers, national values and principles of governance, and the values and principles of public service;

- c) noted that in discharging the mandate to discipline teachers, TSC is guided by its duty under Article 53 to protect learners from any form of abuse including sexual abuse, and always consider the best interest of the learners;
- d) further noted that Article 43 of the Constitution provides for the right to basic education to all Kenyan children. To this end, TSC has a role in ensuring the actualization of this right by creating a conducive and safe environment for learners;
- e) noted that the National Assembly enacted the Teachers Service Commission Act, of 2012, and the Code of Regulations for Teachers (CORT) 2015. Part IX of the CORT extensively provides for discipline procedures that are in tandem with the principles of fair hearing as envisioned in the Constitution and the relevant legislation;
- f) In the circumstances, noted that, the findings of the criminal court could not salvage an employment contract which had inevitably been broken and the Commission being a public institution had a duty to maintain public morality, integrity and nobility of the teaching profession and the decision meted on Mr. Chebii was proportionate to the offence committed.
- g) noted that in the Court of Appeal case of Teachers Service Commission versus Joseph Wambugu Nderitu (2016) eKLR a three-judge bench held as follows -
Turning to the applicable principles of law, there is no doubt that the learned Judge relied on the decision of a court of coordinate jurisdiction in the case of Mathew Kipchumba Koskei versus Baringo Teachers SACCO [2013] eKLR for the holding that where the employer has initiated and concluded disciplinary proceedings on account of misconduct which also has substantially been subject of a criminal process in which the employee is exculpated or found innocent, the employer is entitled to set aside or rescind any punitive administrative decision he may have taken against such an employee and in addition to the above meet all remedies available in law to such an employee to restore him to the position he would have been if the punitive administrative decision not been taken against him. The Mathew Kipchumba case (supra) was preferred amongst many others from the Industrial Court stating the contrary view. No reason was given by the learned Judge as to why he preferred the proposition in the Mathew Kipchumba Koskei case (Supra) over those of Daniel Kamei (Supra) Clement Mutiso Muiinde (Supra) and Joseph Wambugu Kimanju (Supra) among numerous others on the same point all of which re-echoed the principle that professional disciplinary proceedings are distinct from the criminal proceedings even if they emanate from the same set of circumstances.

This Court has crystalized the above position in a number of its pronouncements. Waki JA in the case of the Hon. The Attorney General and another versus Maina Githinji & Another Nyeri Court of Appeal No. 21 of 2015 (UR) approved the reasoning of Okwengu JA in Judicial Service Commission versus Gladys Boss Shollei & Another (2014) eKLR, and the decision of the court in Kibe versus Attorney General Civil Appeal no. 164 of 2000.

In the Judicial Service Commission case (supra) the following observations were made by Okwengu JA.

"(61) The disciplinary process undertaken by the appellant was a quasi-judicial process as it involved the appellant in an adjudicatory function that required the appellant to ascertain facts and make a decision determining the respondent's legal rights in accordance with the Constitution and the Judicial Service Act, both of which provided for fair hearing. The disciplinary proceedings were anchored on a contractual relationship and the appellant was not empowered to provide penal sanctions. Notwithstanding the seriousness of the allegations made against the respondent, the disciplinary proceedings could not be treated like criminal proceedings, as the nature of the sanctions that could be applied in a criminal trial. Thus, the learned judge misdirected himself, in holding that the disciplinary proceedings were quasi-criminal. The Criminal Procedure Code which is an Act providing for the procedure in criminal cases had absolutely no application in the disciplinary proceedings, and the learned judge erred in applying the provisions of the Criminal Procedure Code."

In Kibe versus Attorney General Civil Appeal No. 164 of 2000 approved by Waki JA in the Hon. Attorney General & Another case (supra) this Court was categorical that:

"an acquittal in a criminal case does not automatically render an employee immune to disciplinary action by an employer for the reason that a criminal trial and an internal disciplinary proceeding initiated by an employer against an employee are two distinct processes with different procedures and standard of proof requirements. While an employer may rely on the outcome of a criminal trial against an employee to make its decision on that employee going against the outcome does not by itself render the employer's decision wrongful or unfair".

Lastly in Geoffrey Kiragu Njogu versus Public Service Commission & 2 Others (2015) eKLR this Court approved the reasoning of the Industrial Court in James Mugeru Egati versus Public Service Commission of Kenya (2014) eKLR where it is stated that "there is nothing in the Public Service Commission Regulations which suggest that disciplinary process is tied to a criminal process that may arise from the same facts. There is no provision in the Public Service Commission Regulations which makes it necessary for employers to

follow police investigations, or findings or indeed criminal court decisions in resolving employment disputes. The Public Service Commission Regulations do not merge disciplinary processes with criminal trials-----"

The above being the position, it is our view that this Court has made itself clear on the issue as to whether a successful outcome of a criminal process against an employee has primacy over an internal disciplinary process against such an employee arising from the same set of circumstances. The two processes are distinct from each other. The appellant having concluded its disciplinary process, accorded the respondent an internal opportunity to challenge them, which he failed to utilize and which had been fore-closed long before the pronouncement of the successful criminal decision. It is therefore our finding that the issue of the appellants concluded disciplinary process remains foreclosed in the absence of any plea by the respondent that these be reopened for re-interrogation on account of the alleged new and damning evidence.

- h) noted that despite the above, Section 31 of the TSC Act, 2012 allows Mr. Chebii to apply for reinstatement of his name to the Register of Teachers.

Therefore, the Committee finds that that Mr. Chebii was taken through a fair and lawful disciplinary process in line with the Constitution, Employment Act, and the Code of Regulations. Further, there are no grounds for reversal of the dismissal decision.

The Committee therefore rejected the first prayer for investigations to the matter with a view of declaring the dismissal and deregistration of Mr. Chebii as unfair, unlawful and irregular; and, thus the Committee made no recommendation to it;

Prayer No. 2: *Inquires into the matter to secure the reversal of his dismissal, his reinstatement and re-registration by the Teachers Service Commission, as well as his remittance of all his dues from the date of his dismissal;*

(xi) The Committee having noted that -

- a) having been moved persuasively that the process leading to the dismissal of the teacher was procedural, fair and within the Constitutional framework, the Committee is therefore find that the same was without error;
- b) the TSC proposed that the aggrieved teacher can seek for reinstatement of his name to the register of teachers and secure employment elsewhere but he cannot be re-employed by the TSC; and
- c) under 249(2)(b) of the Constitution, TSC is a Commission that is independent and not subject to direction or control by any person or authority. Therefore, the Committee proceeds not to interfere

with the mandate of the Commission having complied with the law in reaching its decision. The aggrieved teacher hence can enforce his rights under section 31 of the TSC Act, 2012 and Regulation 36 of the Teachers Service Commission Code of Regulations for Teachers.

The Committee therefore rejected the second prayer for Inquiries into the matter to secure the reversal of his dismissal, his reinstatement and re-registration by the Teachers Service Commission, as well as his remittance of all his dues from the date of his dismissal; the dismissal and deregistration of Mr. Chebii as unfair, unlawful and irregular; and, thus the Committee made no recommendation to it;

Prayer No. 3: *Review and strengthen Teachers Service Commission policies on disciplinary procedures and ensure the allegations of sexual misconduct involving teachers and students are investigated thoroughly and dealt with in a fair and just manner.*

(xi) The Committee -

- a) having interrogated the Petitioner and TSC on this matter, the Committee notes that no material was placed before the Committee demonstrating cogent reason to interfere with the policies on disciplinary procedures.

The Committee therefore rejected the third prayer for reviewing and strengthening Teachers Service Commission policies on disciplinary procedures and ensure the allegations of sexual misconduct involving teachers and students are investigated thoroughly and dealt with in a fair and just manne; and, thus the Committee made no recommendation to it;

Prayer No. 4: *Considers enacting legislation or amending existing laws on disciplinary procedures and to provide better safeguards for teachers against arbitrary and unjust dismissal based on unfounded allegations thereby upholding their rights to due process and a fair hearing.*

(xiii) The Committee notes that -

- a) The Constitution, the Teachers Service Commission Act, 2012; the Employment Act, 2007, the Teachers Service Commission (Code of Conduct and Ethics for Teachers) Regulations; and the Teachers Service Commission Code of Regulations for Teachers provide enough safeguards for teachers and ensures fair process and procedures; and
- b) At the same time, the same set of laws provides a balance that seeks to protect children while at school and ensure their rights under the Constitution are protected. Therefore, no evidence was provided that pointed to the unconstitutionality of the law.

The Committee therefore rejected the fourth prayer for considering enacting legislation or amending existing laws on disciplinary procedures and to provide better safeguards for teachers against arbitrary and unjust dismissal based on unfounded allegations thereby upholding their rights to due process and a fair hearing; and, thus the Committee made no recommendation to it;

Prayer No. 5: *makes any other recommendation that it deems fit in the circumstance of the petition.*

The Committee recommended to fifth prayer that the aggrieved teacher, Mr. Joseph Chebii could apply for reinstatement to the register of teachers under Section 31 of the TSC Act, 2012 and Regulation 36 of the Teachers Service Commission Code of Regulations for Teachers.

MIN./PPETC/2024/104: **CONSIDERATION OF REPORT ON PUBLIC PETITION NO. 44 OF 2023 REGARDING ENHANCEMENT OF HOUSE ALLOWANCES FOR TEACHERS WORKING AND RESIDING WITHIN KILIFI MUNICIPALITY**

The Committee reviewed the draft Report and made the following observations:

- (i) Whereas the SRC issued a Circular on the payment of House allowances in 2014, Kilifi was conferred Municipality status in 2018 vide Kenya Gazette Supplement Notice No. 2 dated 19th March, 2019 and this therefore meant that by the time the SRC was forwarding names of municipalities, Kilifi had not been conferred the status of a Municipality.
- (ii) At the time the advisory was issued, Kilifi was a township and was gazetted as such as per Gazette Notice No. 10557 of 2007 hence falling under Cluster 4. Cluster 4 rates are payable to teachers stationed in townships and rural areas. Accordingly, in compliance with the advisory of the SRC, teachers in Kilifi have been receiving house allowance under Cluster 4 hence require an enhancement which is reviewed after every four (4) years.
- (iii) While the Commission is aware that Kilifi Township was gazetted as a municipality in March, 2019, the SRC did not review or render an advisory on the review of house allowance payable to teachers in Kilifi town until 31st July, 2023 which would be fully harmonized by 1st July, 2024.
- (iv) The Ministry of Public Service, Performance and Delivery Management is mandated to gazette hardship areas and SRC reviews salaries and allowances for the gazetted areas accordingly based on affordability and sustainability.
- (v) The Ministry of Public Service, Performance and Delivery Management is yet to harmonize all hardship areas to address the existing gaps in the remuneration of civil servants.
- (vi) In a bid to ensure gradual and full harmonization of allowances for all civil servants, SRC lacks a compliance mandate for employers who do not implement the directive.

The Committee made the following recommendations:

Prayer 1: inquires into the living conditions of teachers working and residing within Kilifi Municipality

- (i) The teachers working and residing within Kilifi Municipality allegedly feel discriminated against as they are not paid a commensurate allowance as those residing in major towns; and
- (ii) Teachers were also experiencing high cost of living, the cost of rental houses and basic commodities compared to the monthly allowances they were paid forcing them to seek affordable houses in the outskirts of the town far away from the schools in which they teach.

Therefore, the Committee recommends that the affected teachers submit their copies of the draft CBA to SRC through their employer TSC for consideration.

Prayer 2: recommends that teachers in both Secondary and Primary Schools within Kilifi Municipality are facilitated to receive enhanced house allowance

The Committee notes that -

- (i) SRC was undertaking progressive harmonization of House Allowances under the Third Remuneration and Benefits Cycle for the Teaching Service for the FY2021/2022 - 2024/2025 which had been actualized with effect from 1st July, 2023 and would be fully harmonized by 1st July, 2024; and
- (ii) Consequently, SRC communicated the new rates to TSC for both phases vide a letter dated 31st July, 2023 to negotiate with teachers' Trade Unions on the Collective Bargaining Agreements for teachers.

Therefore, the Committee recommends that SRC and TSC in compliance with the above provision, ensures that teachers working and residing in Kilifi Municipality get enhanced house allowances together with arrears with effect from 1st July, 2023.

Prayer 3: makes any other recommendation or action it deems fit in addressing the plight of the Petitioners.

- (i) The Committee recommends that the Ministry of Public Service, Performance and Delivery Management fast tracks and provides the status report on the review of hardship areas which will inform review of hardship allowances across the country; and
- (ii) The Committee further recommends that the Ministry of Public Service, Performance and Delivery Management in consultation with the Salaries and Remuneration Commission (SRC) and other relevant Agencies harmonizes House Allowances for Public Officers in all areas across the country as a way of addressing disparities that may exist in various sectors of public service within six (6) months from 1st July, 2023.

MIN./PPETC/2024/105:

ADJOURNMENT AND DATE OF NEXT MEETING

The Chairperson adjourned the meeting at 05:00 p.m. The next meeting will be held on Tuesday, 26th March, 2024 at 10:00 a.m.

Sign: 
F&V (CHAIRPERSON)

Date...09-04-2024.....

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PUBLIC SERVICE COMMISSION

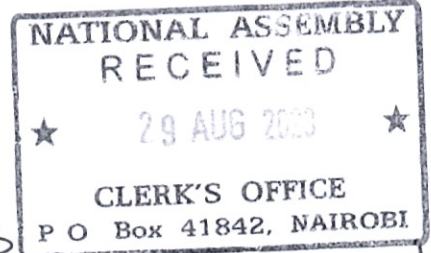
PSC/ADM/26/11(36)

29th August, 2023

The Clerk
The National Assembly
P.O. BOX 41842-00100
NAIROBI

Attn: Serah Kioko, MBS

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30/8/23



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MEETING WITH THE PUBLIC PETITIONS COMMITTEE ON VARIOUS PETITIONS

I acknowledge receipt of your letter Ref. No. KNA/DLPS/PPETC/CORR/2023/168 of 17th August, 2023 in respect of the above mentioned subject matter.

The committee has convened a meeting on Wednesday 30th August, 2023 for the Public Service Commission to make presentation and provide necessary information to facilitate consideration of the following petitions;

1. Gazettement of Rachuonyo North as hardship Area; and
2. Enhancement of House Allowances for Teachers working and residing within Kilifi Municipality.

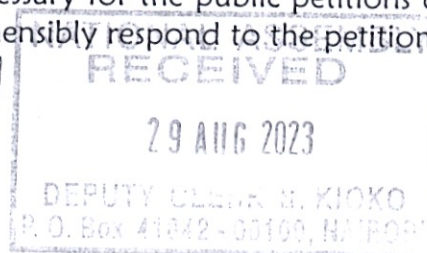
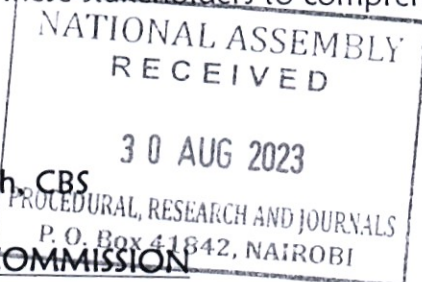
Whilst considering the petition, the Commission observed that an Inter-Agency team was constituted by the Ministry of Public Service, Gender and Affirmative Action to review the policy on current designated hardship areas and allowances in order to ensure harmony in the Civil Service. The review sought to harmonize the categorization of hardship areas and eligibility for hardship allowance by addressing the disparities and inequities in the hardship policies currently in use in the Public Service. The Inter-agency team have submitted a memorandum to the Cabinet for consideration and approval hence the matter is still pending.

On the petition on enhancement of house allowance for teachers working and residing in Kilifi, the matter falls within the mandate of Teachers Service Commission and therefore the TSC is better placed to respond in accordance with their existing collective bargaining agreements and in consultation with Salaries Remuneration Commission.

Arising from the above, it may therefore be necessary for the public petitions committee to bring on board these stakeholders to comprehensively respond to the petitions.

Regards.

Dr. Simon K. Rotich, CBS
SECRETARY/CEO
PUBLIC SERVICE COMMISSION





REPUBLIC OF KENYA
MINISTRY OF EDUCATION
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Jogoo House "B"
Harambee Avenue
P. O. BOX 30040 - 00100
NAIROBI - Kenya

Ref: MOE/SDHER/HRM/CON/14/7

26th October, 2023

Mr. Samuel Njoroge
Clerk of the National Assembly
Parliament Buildings
Parliament Road
NAIROBI

Dear Sir,

**RE: MEETING WITH THE PUBLIC PETITIONS COMMITTEE
REGARDING VARIOUS PETITIONS**

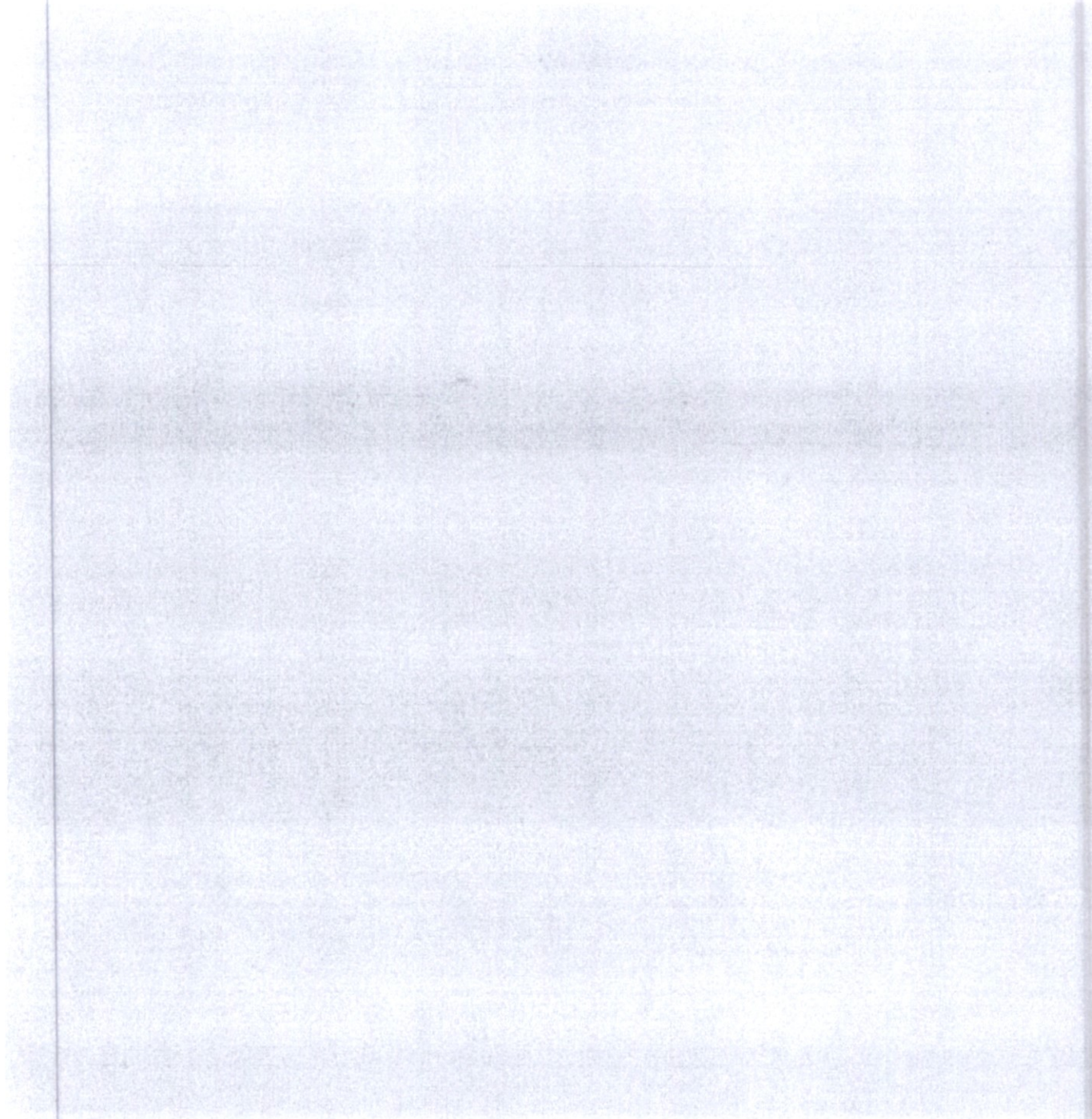
Reference is made to your letter Ref: KNA/DLPS/PPETC/CORR/2023/233 dated 18th October, 2023 inviting me to a meeting with the Public Petitions Committee on 26th October, 2023 regarding various petitions.

Please note that I will be unable to attend the meeting because I am required to accompany His Excellency the President to a function at the Kenya Institute of Special Education. I regret the inconvenience caused by the short notice, which has been caused by changes in His Excellency the President's diary.

I remain at your disposal to attend a meeting at a later convenient date.

Yours sincerely,

Hon. Ezekiel Machogu, CBS
CABINET SECRETARY





REPUBLIC OF KENYA
MINISTRY OF EDUCATION
Office of the Cabinet Secretary

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Jogoo House "B"
Harambee Avenue
P. O. BOX 30040 - 00100
NAIROBI - Kenya

Ref: MOE/SDHER/HRM/CON/14/7

25th October, 2023

Mr. Samuel Njoroge
Clerk of the National Assembly
Parliament Buildings
Parliament Road
NAIROBI

Dear Sir,

**RE: MEETING WITH THE PUBLIC PETITIONS COMMITTEE
REGARDING VARIOUS PETITIONS**

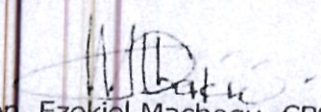
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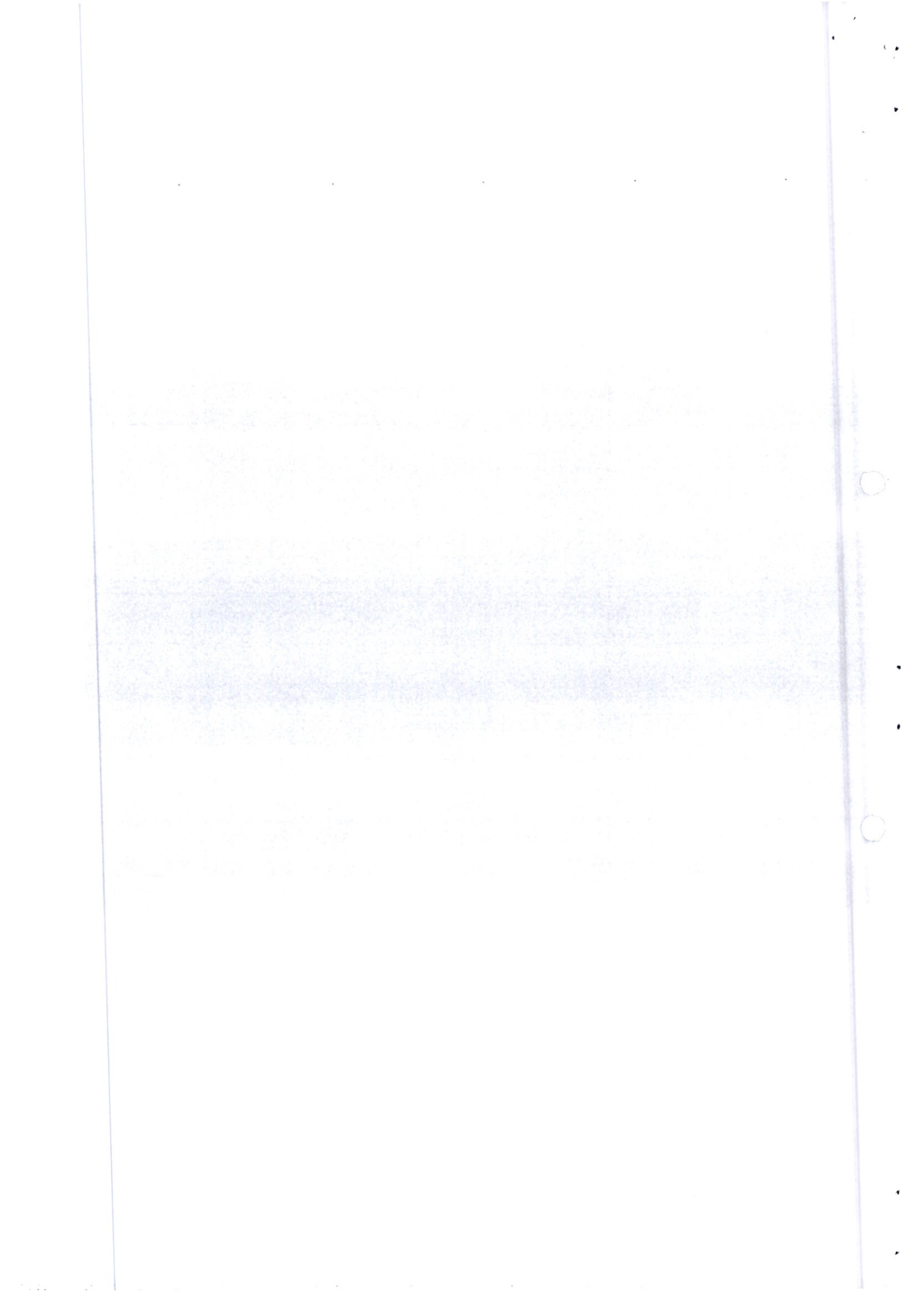
Enclosed herewith please find our responses on the following matters:

- (a) Gazettement of Rachuonyo North as a Hardship area; and
- (b) Enhancement of House Allowance for Teachers Working and Residing within Kilifi Municipality.

I remain at your disposal to provide any further information as may be required.

Yours sincerely,


Hon. Ezekiel Machogu, CBS
CABINET SECRETARY



RESPONSE:

Honourable Chairperson and Honourable Members,

1. I am grateful for the opportunity that the august Committee has provided me to comment on the two petitions that have been submitted to it. I note that the petitions concern the following issues:
 - (a) Gazettement of Rachuonyo North as a Hardship Area;
 - (b) Enhancement of House Allowance for Teachers Working and Residing Within Kilifi Municipality.
2. I will comment on each of the petitions as follows:
 - (a) **Gazettement of Rachuonyo North as a Hardship Area**
3. The petition notes that Rachuonyo North Sub-County is currently hamstrung by prevailing hardship conditions. Since the Sub-County is not designated as a hardship area, the petition notes that the teachers there are poorly motivated, because they do not receive hardship allowance, while their neighbours in Suba North and Suba South receive the allowance.
4. Honourable Chairperson, the Government, through the Teachers Service Commission, pays hardship allowance to areas that have been gazetted as hardship areas.
5. **Regulation 91 of the Code of Regulations for Teachers** requires the Commission to pay hardship allowance to a teacher assigned to teach in a school situated in a designated and gazetted hardship area.
6. The designated hardship areas were gazetted in **Legal Notice No. 534 of 1997**. In Homa-bay County, the gazetted areas are Mfangano and Rusinga Islands in Suba Sub-County. Rachuonyo North is not gazetted as a hardship area.
7. The mandate of gazetting areas as hardship areas belongs to the Ministry of Public Service, Performance and Delivery Management (formerly the Ministry of Public Service, Gender and Affirmative Action). We have since conveyed the petition to the relevant Cabinet Secretary, for his information and necessary action. A copy of the letter is attached.
8. Once the area is gazetted as a hardship area, the Government, through the Teachers Service Commission, will pay the required hardship allowance.

(b) Enhancement of House Allowances for teachers Working and Residing Within Kilifi Municipality

Honourable Chairperson and Members,

9. Article 237(2)(b) of the Constitution gives the Teachers Service Commission the role of recruiting and employing teachers. Section 11 of the Teachers Service Commission (TSC) provides that the Commission shall manage the payroll of teachers under its employment. We therefore sought a response from the Commission on the issues raised in the petition. We have established as follows:
10. In line with Article 230(4) of the Constitution, the Salaries and Remuneration Commission (SRC) advises on the remuneration of public officers, including teachers. The TSC is bound by the advice provided by the SRC.
11. In exercise of this mandate, the SRC issued an advisory vide letter **ref: SRC/TS/MDP/3/1/2 (2)** dated **11th August, 2015** on the payment of House Allowance for public officers. ***Appendix 1 is a copy of the letter.***
12. In the said advisory, the SRC categorized the country into **4 clusters** for purposes of payment of House Allowance. These clusters were: **Nairobi; former major municipalities; other former municipalities; and other areas.**
13. At the time the advisory was issued in 2015, Kilifi was a township and was gazetted as such in **Gazette Notice Number 10557 of 2007**. It therefore fell under Cluster 4. The Cluster 4 rates are for townships and rural areas. ***Appendix 2 is a copy of the Gazette Notice.***
14. In **March, 2019**, Kilifi was gazetted as a Municipality. **However, teachers in Kilifi were still paid House Allowances at the rate for townships, because the SRC had not reviewed its earlier advisory.**
15. The SRC reviewed its advisory on **31st July, 2023** and consequently, the TSC has now effected the Municipal House Allowance rate for teachers in Kilifi. The new rate will be implemented in two phases: the first phase was paid in July, 2023, while the second phase will be paid in July, 2024. ***Appendix 3 is a copy of the letter from the SRC.***

I trust that the information I have provided adequately responds to the questions. However, I remain at your disposal to provide such further information and or clarification as may be required.


Hon. Ezekiel Machogu, CBS
CABINET SECRETARY



"APPENDIX 1"

SRC 027/08/2015

Salaries & Remuneration
Commission
Rewarding productivity

Ref. No: SRC/TS/MDP/3/1/2 (2)

11th August, 2015

Mrs. Grace A. Otieno, MBS
Principal Administrative Secretary
Directorate of Public Service Management
Ministry of devolution and planning
NAIROBI

Dear Mrs. Otieno

IMPLEMENTATION OF THE REVISED HOUSE ALLOWANCE IN THE PUBLIC SERVICE

Reference is made to your letter Ref. No. MDP/DPSM/2/6/4A VOL.X (47) dated 8th July, 2015 on the above subject.

The Salaries and Remuneration Commission deliberated on the issue during its Commission meeting held on 5th August, 2015 and acknowledged the challenges raised in the implementation of the Circular Ref. No: SRC/ADM/CIR/1/13 Vol. III (126) dated 10th December, 2014 through the IPPD System. Subsequently, the Commission decided that to enable effective implementation of the reviewed rates of House Allowance, the clustering of regions revert back to the former clustering and be implemented as shown in Table 1.

Table 1: New Rates of House Allowance

JG	Nairobi		Former Major Municipalities (Mombasa, Kisumu, Nakuru, Nyeri, Eldoret, Thika, Kisii Malindi, Kitale)		Other former Municipalities		Other Areas	
	Current	New	Current	New	Current	New	Current	New
A	3,000	3,750	2,500	3,125	2,000	2,500	1,800	2,250
B	3,000	3,750	2,500	3,125	2,000	2,500	1,800	2,250
C	3,000	3,750	2,500	3,125	2,000	2,500	1,800	2,250
D	3,300	4,125	2,700	3,375	2,200	2,750	1,900	2,375
E	3,500	4,500	2,900	3,730	2,300	2,960	2,100	2,700
F	3,500	4,500	2,900	3,730	2,300	3,000	2,100	2,700
G	5,000	6,750	3,500	4,500	3,000	3,850	2,300	3,200
H	5,000	6,750	3,500	4,500	3,000	3,850	2,300	3,200
J	6,000	10,000	4,500	7,500	3,500	5,800	3,000	4,200
K	10,000	16,500	8,000	12,800	6,000	9,600	5,000	7,500
L	20,000	28,000	15,000	22,000	12,000	16,500	10,000	13,000
M	20,000	28,000	15,000	22,000	12,000	16,500	10,000	13,000
N	20,000	35,000	17,000	25,500	13,000	18,000	11,000	15,400
P	40,000	45,000	20,000	28,000	15,000	21,000	12,000	16,800
Q	40,000	45,000	20,000	28,000	15,000	21,000	12,000	16,800
R	40,000	50,000	20,000	35,000	15,000	25,000	12,000	20,000
S	60,000	60,000	56,000	56,000	52,000	52,000	-	-
T	80,000	80,000	70,000	70,000	60,000	60,000	-	-
U	-	80,000	-	70,000	-	-	-	-
V	-	100,000	-	-	-	-	-	-

Note: All the other terms remain as per the provisions on the Circular of 10th December, 2014



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GAZETTE NOTICE No. 10554

THE CONSTITUTION OF KENYA
THE NATIONAL ASSEMBLY AND PRESIDENTIAL
ELECTIONS ACT
(Cap. 7)

THE PRESIDENTIAL AND PARLIAMENTARY
ELECTIONS REGULATIONS

HOLDING OF A PRESIDENTIAL ELECTION

IN EXERCISE of the powers conferred by section 12 (1) of the National Assembly and Presidential Elections Act, the Electoral Commission gives notice that a presidential election shall be held.

Dated the 23rd October, 2007.

S. M. KIVUITU,
Chairman,
Electoral Commission of Kenya.

one o'clock in the afternoon and between the hours of two o'clock and four o'clock in the afternoon of the days.

(c) If the presidential election is contested, the poll will take place on the 27th December, 2007.

Dated the 23rd October, 2007.

S. M. KIVUITU,
Chairman,
Electoral Commission of Kenya.

GAZETTE NOTICE No. 10556

THE CONSTITUTION OF KENYA
THE NATIONAL ASSEMBLY AND PRESIDENTIAL
ELECTIONS ACT

(Cap 7)

THE PRESIDENTIAL AND PARLIAMENTARY
ELECTIONS REGULATIONS

ELECTION OF MEMBERS OF PARLIAMENT

IN EXERCISE of the powers conferred by section 42A of the Constitution of Kenya, Section 13-(3) (b) of the National Assembly and Presidential Elections Act and regulations 8, (3) and 14 of the Presidential and Parliamentary Elections Regulations, the Electoral Commission gives notice that:

- (a) An election is to be held of a member to serve in the National Assembly for each of the constituencies set out in the Schedule hereunder.
- (b) Each political party wishing to participate in the election must finalize the nomination of its candidates and submit a complete list of nominated candidates for the elections to the Electoral Commission of Kenya five days before the nomination.
- (c) Each political party wishing to participate in the election must finalize the nomination of its candidates on or before 16th November, 2007.
- (d) The days for nomination for the parliamentary election will be 23rd and 24th November, 2007 and nomination papers may be delivered by candidates to the Returning Officer whose jurisdiction the constituency falls between the hours of eight

GAZETTE NOTICE No. 10555

THE CONSTITUTION OF KENYA
THE NATIONAL ASSEMBLY AND PRESIDENTIAL
ELECTIONS ACT
(Cap. 7)

THE PRESIDENTIAL AND PARLIAMENTARY
ELECTIONS REGULATIONS

PRESIDENTIAL ELECTION

IN EXERCISE of the powers conferred by section 42A of the Constitution of Kenya; section 12 of the National Assembly and Presidential Elections Act and Regulations 8 and 11 of the Presidential and Parliamentary Elections Regulations, the Electoral Commission gives notice that:

- (a) An election of the President of the Republic of Kenya is to be held at the forthcoming General Election.
- (b) Nomination papers for the presidential election may be delivered by the candidate personally or his/her proposer or secondor to the Electoral Commission, at Kenyatta International Conference Centre, on 14th and 15th November, 2007 between the hours of eight o'clock in the morning and

o'clock in the morning and one o'clock in the afternoon and between the hours of two o'clock and four o'clock in the afternoon of the days.

(e) If the parliamentary elections is contested, the poll will take place on the 27th December, 2007.

NOTES:

1. The attention of candidates and persons subscribing nomination papers is drawn to the provision of Part IV of the Presidential and Parliamentary Elections Regulations (Cap.7. Sub. Leg.)
2. A person guilty of an election offence will be liable to the penalties imposed by the Election Offences Act (Cap.66) and to the disqualifications imposed by the National Assembly and Presidential Elections Act (Cap.7).

SCHEDULE OF CONSTITUENCIES

1.	Makadara	60.	Mwingi North
2.	Kamukunji	61.	Mwingi South
3.	Starehe	62.	Kitui West
4.	Langata	63.	Kitui Central
5.	Dagoretti	64.	Mutito
6.	Westlands	65.	Kitui South
7.	Kasarani	66.	Masinga
8.	Embakasi	67.	Yatta
9.	Changamwe	68.	Kangundo
10.	Kisumu	69.	Kathiani
11.	Likoni	70.	Machakos Town
12.	Mvita	71.	Mwala
13.	Msambweni	72.	Mbooni
14.	Matuga	73.	Kilome
15.	Kinango	74.	Kaiti
16.	Bahari	75.	Makueni
17.	Kaloleni	76.	Kibwezi
18.	Ganze	77.	Kinangop
19.	Malindi	78.	Kipipiri
20.	Magarini	79.	Oi Kalou
21.	Garsen	80.	Ndaragwa
22.	Galole	81.	Tetu
23.	Bura	82.	Kichi
24.	Lamu East	83.	Mathira
25.	Lamu West	84.	Othaya
26.	Taveta	85.	Mukurweini
27.	Wundanyi	86.	Nyeri Town
28.	Mwatate	87.	Mwea
29.	Voi	88.	Gichugu
30.	Dujis	89.	Ndia
31.	Lagdera	90.	Kirinyaga Central
32.	Fuji	91.	Kangema
33.	Ijara	92.	Mathioya
34.	Wajir North	93.	Kiharu
35.	Wajir West	94.	Kigumo
36.	Wajir East	95.	Maragwa
37.	Wajir South	96.	Kandara
38.	Mandera West	97.	Gatanga
39.	Mandera Central	98.	Gatundu South
40.	Mandera East	99.	Gatundu North
41.	Moyale	100.	Juja
42.	North Horr	101.	Githunguri
43.	Saku	102.	Kiambaa
44.	Laisamis	103.	Kikuyu
45.	Isiolo North	104.	Limuru
46.	Isiolo South	105.	Lari
47.	Igembe North	106.	Turkana North
48.	Igembe South	107.	Turkana Central
49.	Tigania West	108.	Turkana South
50.	Tigania East	109.	Kacheliba
51.	North Imenti	110.	Kapenguria
52.	Central Imenti	111.	Sigor
53.	South Imenti	112.	Samburu West
54.	Nithi	113.	Samburu East
55.	Tharaka	114.	Kwanza
56.	Manyatta	115.	Saboti
57.	Runyenjes	116.	Cherangany
58.	Guchoka	117.	Eldoret North
59.	Sipkago	118.	Eldoret East
		119.	Eldoret South
		120.	Marakwet East
		121.	Marakwet West
		122.	Keiyo North
		123.	Keiyo South
		124.	Mosop
		125.	Aldai
		126.	Emgwen
		127.	Tindiret
		128.	Baringo East
		129.	Baringo North
		130.	Baringo Central
		131.	Mogotio
		132.	Eldama Ravine
		133.	Laikipia West
		134.	Laikipia East
		135.	Naivasha
		136.	Nakuru Town
		137.	Nakuru Suburb

138. Molo
139. Rongai
140. Subukia
141. Kigoris
142. Narok North
143. Narok South
144. Kajiado North
145. Kajiado Central
146. Lotokitok
147. Bonet
148. Chepalungu
149. Solik
150. Konoin
151. Euret
152. Begut
153. Aihamoi
154. Kipkelion
155. Malava
156. Lugari
157. Mumias
158. Matungu
159. Lurambi
160. Shanyalu
161. Ikelomani
162. Butere
163. Kibwisero
164. Emuhaya
165. Sabatia
166. Vihiga
167. Hamisi
168. Mt Elgon
169. Kinilili
170. Webuye
171. Siasia
172. Kanduyi
173. Bumula
174. Arngoro
175. Nambale
176. Butula
177. Fwayula
178. Budalangi
179. Ugenya
180. Alego
181. Gem
182. Bondo
183. Randeda
184. Kisumu Town East
185. Kisumu Town West
186. Kisumu Rural
187. Nyando
188. Muhoroni
189. Nyakachi
190. Kapipul-Kabondo
191. Karachuonyo
192. Ragwe
193. Nahiwa
194. Ronggo
195. Migori
196. Uriri
197. Nyaike
198. Mitita
199. Gyasi
200. Kuria
201. Bonchari
202. South Migirango
203. Bomachoge
204. Bobasi
205. Nyaribari Masaba
206. Nyaribari Chache
207. Kitutu Chache
208. Kitutu Masaba
209. West Migirango
210. North Migirango Borabu

Dated the 23rd October, 2007.

S. M. KIVUITU,
Chairman,
Electoral Commission of Kenya

GAZETTE NOTICE No. 10557

THE CONSTITUTION OF KENYA
THE LOCAL GOVERNMENT ACT
(Cap. 265)

THE LOCAL GOVERNMENT ELECTIONS RULES
ELECTION OF COUNCILLORS

IN EXERCISE of the powers conferred by section 42A of the Constitution of Kenya, section 57 of the Local Government Act and rule 12 of the Local Government Elections Rules, the Electoral Commission gives notice that:

- (a) An election is to be held to determine the councillor to serve in each of the electoral areas (wards) of the respective local authority as set out in the Schedule hereunder.
- (b) Each political party wishing to participate in the election must finalize the nomination of its candidates on or before 16th November, 2007.
- (c) The days for the nomination of the candidates for the councillors will be on 23rd and 24th November, 2007 and the nomination papers, which may be collected from the Returning Officer in whose jurisdiction the electoral area falls, may be delivered by the candidates to the Returning Officer concerned at between the hours of eight o'clock in the morning and one o'clock in the afternoon and between the hours of two o'clock and four o'clock in the afternoon of the days.
- (d) If the election is contested the poll will take place on 27th December 2007.
- (e) Gazette Notice No. 7133 of 1st November, 2002 is revoked.

SCHEDULE

Local Authority	Name of Electoral Area
City of Nairobi	Nairobi South
	Viwandani
	Lendimawe
	Ofafa
	Mbotela
	Makongeni
	Hamza/Luinumba
	Haramee
	Muthurwa/Shauri Moyo
	Pumweni
	Eastleigh North
	Airbase
	Eastleigh South
	Kimathi
	Uhuru
	Ngara East
	Ngara West
	Kariokor
	Central
	Mathare
	Mbatini
	Huruma
	Kiamaiko
	Lang'ata
	Karen
	Mugumoini
	Nairobi West
Makina	
Lindi	
Sarang'ombe	
Laini Shabaa	
Kenyatta Golf Course	
Woodley	
Embakasi	
Mihango	
Imara Daima	
Kwa Njenga	
Umoja I	
Umoja II	
Sayannah	
Komarock	

SCHEDULE—(Contd.)		SCHEDULE—(Contd.)	
<i>Local Authority</i>	<i>Name of Electoral Area</i>	<i>Local Authority</i>	<i>Name of Electoral Area</i>
	Kayole North		Puma
	Kayole South		Mtaa
	Dandora Area One		Gandini
	Dandora Area Two		Kinango
	Dandora Area Three		Mwatate
	Dandora Area Four		Ndavaya
	Njiru		Mbuguni/Ng'ombeni
	Kariobangi South		Waa
	Utalii		Tiwi
	Baba Dogo		Mwaluphumba (Part)
	Mathare North		Kubo South
	Kasarani		Mkongani
	Mwiki		Mangawani
	Kariobangi North		Gombato/Bongwe
	Korogocho		Kinondo
	Roysambu		Mivumoni
	Kahawa		Pongwe/Kidimu
	Githurai		Kingwende/Shirazi
	Kilimani		Kikoneni
	Kileleshwa		Dzombo
	Kitisuru		Mwena
	Parklands		Ukunda
	Highridge		Kasemeni/Sega
	Kangemi		Kilimangodo
	Mountain View		Vanga
	Uthiru/Ruthimitu		Msambweni
	Waithaka		
	Mutuini	Township of Kwale	Golini/Vyongwani
	Riruta		Ziwani
	Ngando		Kwale
	Kwangware		Mwamunga
	Gatina		Vuga
	Ruai		Mazumalume
Municipality of Mombasa	Tudor Four	County of Kilifi	Roka
	Tudor Estate		Matsangoni
	Kipevu		Ngerenya
	Port Reitz		Chasimba
	Changamwe		Mwarakaya
	Mikindani		Kanamai
	Jomvu Kuu		Ziani
	Miritini		Shimo-La-Tewa
	Airport		Junju South
	Mwakirunge		Junju North
	Bamburi Estate		Mtepeni
	Frere Town		Mwanamwingu
	Nyali/Mkongani		Kayafungo
	Mji Wa Kale/Makadara		Kaloleni North
	Kongowea		Jibana
	Maweni		Ruruma
	Shanzu		Mwawesa
	Kizingo		Kambe
	Junda		Rabai (Part)
	Mjambere		Mwahera
	Ganjoni		Vitengeni
	Mtongwe		Sokoke
	Bofu		Ndigiri/Bandari
	Timbwani		Bamba
	Shika Adabu		Mitunguni
	Likoni		Dungicha/Ganze
	Bondeni		Palakuni
	Tononoka		Ribe
	Majengo		Kaloleni South
	King'orani		Kauma/Jaribuni
	Mwembe Tayari		Mrima Wa Ndege
	Shimanzi		
County of Kwale	Mackinnon Road	Township of Kilifi	Kibarani
	Chengoni		Ngala
	Samburu		Hospital/Sokoni
	Vigurungani		Mtarani
	Mwavumbo		Mavueni/Mkongani
	Taru		Shauri Moyo/Takaungu
	Kasemeni West	Township of Mariakani	Tsangatsini
	Kasemeni East		Mariakani
	Makamini		Kavala

SCHEDULE—(Contd.)		SCHEDULE—(Contd.)		
Local Authority	Name of Electoral Area	Local Authority	Name of Electoral Area	
County of Malindi	Keliatang'ombe	County of Taita Taveta	Dide Waride	
	Mugumo-Wa-Petsa		Central	
Municipality of Malindi	Jiroro		Mkomeni/Matondoni	
	Lango Mbaya		Wundanyi	
	Chakeron		Mibale	
	Bungale		Werugha	
	Merafa		Mwanda/Mghange	
	Garashi		Wumingu/Kishushu	
	Dagamra		Mwakiteu	
	Magarini West		Bura	
	Magarini East		Chawia/Kishamba	
	Fundi-Isse		Mwetate	
	Adu		Mwachabo	
	Gongoni		Rong'e Juu	
	Marereni	Rong'e Part		
County of Tana River	Madunguni	Mbololo		
	Malimo	Shagalla		
	Genda/Mikeumoto	Kitsigou		
	Malindi North	Ngolia		
	Malindi Central	Marungu		
	Barani	Municipality of Voi	Kirutei	
	Gede South		Voi North East	
	Kijiwetanga		Voi West	
	Gede		Kighononyi	
	Watamu Town		Voi Central	
	County of Lamu	Maweni	Voi South	
		Shella	Township of Taveta	Chala/Njukini
Gede North		Mboghoni		
County of Garissa		Hirimani		Kitobo/Kimorigho
		Mbala Mbala		Mahoo
		Kemaguru		Taveta North
		Bungale	Taveta South	
		Saka	Mata	
		Modogo South	County of Garissa	Dunyere
		Nanighi		Jarajara
		Sala		Balambala
		Cheweke		Saka
		Bura		Shimbiri
		Mitalulu		Korakora
		Zubaki/Mikinduni		Borolgi
		Chifiri		Benane
		Chewani/Kiarukungu		Modogashu
		Wayu		Garufa
		Waldena		Baraki
		Ndura		Sankuri/Raya
		Gwano		Goreale
		Assu	Alango Arba	
		Ndera	Dudaab	
		Salamu/Mwina	Liboi	
		Garsen Central	Muelamit	
		Bilisu	Dagathaley	
		Garsen South	Lahisi Gale	
	Shirikisho	Damajule		
	Kinukomba	Abaknile		
Kipini East	Kumatumato			
Kipini West	Welmerer			
County of Lamu	Kiunga	Hagar Dera		
	Basuba	Jara Jira		
	Fazu/Tchundwa	Fafi		
	Kizingitini West	Yumbis		
	Ndau	Galmagala		
	Siyu/Pate	Nanighi		
	Langoni	Buru		
	Shella Manda	Masabubu		
	Mokowe	Bulagolol		
	Hindi/Magogoni	Municipality of Garissa	Bulla	
	Mkunumbi		Stadium	
	Kiongwe		Jamhuri	
	Mapenya		Market	
	Baharini		Biashara	
	Hongwe			

SCHEDULE—(Contd.)		SCHEDULE—(Contd.)			
<i>Local Authority</i>	<i>Name of Electoral Area</i>	<i>Local Authority</i>	<i>Name of Electoral Area</i>		
County of Ijara	Hulugho	Shimbiir Fatuma Fincharo Wargadud Olla Guticha Marothile As-Habito Rhamu Dimu Rhamu Girissa Lafey Waranqara Fino Arabia Libehia Aresa Hureri Sala Kalaliyo West Kalaliyo Central Kalaliyo East Harire Hosley Alango Gof Bur Abor/Bula Haji Neboi Shafshafey Barwako Bulla Mpya Bulla Jamburia Border Point One Township/Kamoro Illeret North Horr Galas Dukana Balesa Ririba Kalacha Maitoria Hurr Hills Bubisa Turbi Sagante Quita Dirib Gombo Dakabaricha Jirime Mountain Nagayo Karare Laisamis Merille Logologo Korr Ngorunit South Horr Mt. Kulal Loiyangalani Uran Walda/Rawana Sololo Sololo Makutano Dambala Fachana Bori Odda Butiye Moyale Gurunesa Manyatta Nana Godoma Dabel Golole			
	Hadaro				
	Hadi				
	Sangailu				
	Ijara South				
	Ijara				
	Korisa				
	Kotile				
	Rugha				
	Masalani				
	Sangote				
	County of Wajir		Jogbaru		
			Township		
Wagberi					
Lefaley					
Wargadud					
Elben					
Sariman					
Tarbaj					
Khorof Harar					
Dambas					
Wajir Bor					
Barwago					
Kulalely					
Habaswein					
Dilmanyale					
Sabule					
Lagboghul South					
Benane					
Ibrahim Ure					
Dif					
Burder					
Abakore					
Godoma					
Dadaja Bula					
Bure					
Kibilai					
Gurar					
Ajawa					
Korondile					
Buna					
Batalu					
Danaba					
Dela					
Lensayu					
Eldas					
Lakole South					
Arbajahan					
Boji/Garse					
Griftu					
El Nur					
Tula-Tula					
Wagalla					
Ganyure					
Hadado					
Adamsajide					
Basir					
Lagboghul North					
Adhibohol					
County of Mandera	Malkamari				
	Guba				
	Bauissa				
	Lutis/Eyemole				
	Derkale				
	Kiliweni				
	Dandu				
	Githar				
	Takaba North				
	Takaba South				
	Kutulo South				
	Kutulo North				
	Kutulo				
	El-Wak South				
	El-Wak North				
	County of Moyale	Uran			
		Walda/Rawana			
Sololo					
Sololo Makutano					
Dambala Fachana					
Bori					
Odda					
Butiye					
Moyale					
Gurunesa					
Manyatta					
Nana					
Godoma					
Dabel					
Golole					
Uran					

SCHEDULE—(Contd.)

SCHEDULE—(Contd.)

<i>Local Authority</i>	<i>Name of Electoral Area</i>	<i>Local Authority</i>	<i>Name of Electoral Area</i>	
County of Isiolo	Bulla Pesa	Municipality of Chuka	Kamuyimbi	
	Ocha		Kiang'odu	
	Wabera		Chuka East	
	Kiwanjani		Muiru East	
	Burat		Muiru West	
	Isiolo West		Mugirirwa West	
	Ngarc Mara		Mugirirwa East	
	Kipsing		Township of Chogoria	Chogoria
	Oldo-Nyiro			Kiraro
	Bisan Biliqo			Murugi West
	Bulesa			Murugi East
	Merti	County of Meru Central		Ontulili
	Korbasa			Kirimara
	Malkagella		Kisima	
	Yamicha		Kirua	
	Sericho		Ruiru	
	Mudogashe		Chugu	
	Ercsaboru		Thuura	
	Garfarsa		Giaki	
	Malkedaka		Ntakira (Part)	
	Garba Tulla		Kibirichia	
	Kula Mawe		Katheri	
	Kinna	Kjbaranyaki		
	Rapsu	Kithirune		
	County of Meru North	Njia (Part)	Gatimbi	
		Kangeta	Kariene	
		Kiegoi	Mwasagathia	
		Giteretu/Anchenge	Kiagu	
		Igembe East	Mitunguu	
		Igembe South East	Ntugi	
		Igembe South	Mikum'bunc	
		Igembe South West	Kinoro/Kianjogu	
		Nanhu	Igoki	
		Antuambui	Uruku	
		Ntunene	Abogeta	
		Akirang'odu	Kanyakine	
		Thinyaine/Nchoro	Igoji	
Antubetwe Kiongo		Kithangari		
Athwana/Rwanda		Karia		
Athiru Runjine		Mweru		
Kawiru		Kathera		
Mituntu		Nthimbiri (Part)		
Amwathi I		Nauri		
Amwathi II		Municipality of Meru	Cathedral	
Kitheo			Hospital	
Kianjai			Commercial	
Nkomo			Millimani	
Mbeu			Central	
Karama			Mwendantu	
Muthara			Kaagu	
Kigucwa			Stadium	
Mikinduri West			Gakoromone	
Mikinduri East			County of Tharaka	Tunyai
Thangatha				Chiakariga
Buuri		Kamarandi/Kamanyaki		
Ankamaia		Ntugi		
Municipality of Maua		Maito Tatu		Marimanti
		Stadium		Turima
		Maua South		Nkondi
		Maua North		Gikingo
		Maua East		Kanjoro
County of Meru South	Kiera	Kathangachini		
	Maara	Gatue		
	Gange	Muragwa		
	Mitheru	Mwanyani		
	Muthambi	Thiti		
	Kithangani/Mariani	Gakurungu		
	Gitarene	County of Embu	Nginda	
	Mwonge		Ngandori	
	Thuita			
	Mukuuni			
	Kajuki			

SCHEDULE—(Contd.)		SCHEDULE—(Contd.)	
<i>Local Authority</i>	<i>Name of Electoral Area</i>	<i>Local Authority</i>	<i>Name of Electoral Area</i>
	Kithimu		Kyanika/Maluma
	Ruguru		Kaveta
	Gaturi North	County of Mwingi	Tseikuru/Musavani
	Kyeni North Part		Masyungwa
	Kagaari North East		Mivukoni
	Karurumo/Kigumo		Kimangau
	Kagaari North West		Kyuso/Kamuw'ongo
Municipality of Embu	Njukiri		Tharaka
	Blue Valley		Katse/Muranda/Nguuku
	Kangaru		Kanlungu
	Itabua		Kakuyu/Mukong'a
	Kamiu		Nguni
	Matakari		Waita/Endui
	Majengo		Mitamisiyi
Municipality of Runyenjes	Kyeni Urban		Ngomeni
	Gichera		Ukasi
	Nthagaiya		Mbuvi
	Runyenjes Central		Mutyangombe
County of Mbeere	Karaba		Wingemi
	Riakanau		Nuu
	Makima		Kalitini
	Mbeti South		Nzauni
	Mavuria		Mui
	Kiambere		Kyome
	Kianjiru		Migwani
	Ishara		Nguutani
	Kanyuambora	Township of Mwingi	Thitani
	Kiang'ombe		Kyethani/Kioomo
	Durumori		Kavuwani
	Nthawa		Katalwa/Nzeluni
	Muminji		Mwingi/Thumbi
	Mbita		Kanzanzu
	Gituburi		Kivou/Enziu
County of Kitui	Kwa-Vonza	County of Masaku	Muthesya
	Yatta/Nthongoni		Ndithini
	Kanyangi		Mananja
	Kiseuni		Ekakakala/Ikaantini
	Katutu/Muranda		Masinga
	Kakeani/Mutunguni		Kivaa
	Kivani/Kauwi		Kangonde
	Musengo/Usiani		Ndalani
	Kwa Mutonga/Kathivo		Mavoloni
	Mbitini		Kinyaata
	Miambani		Kithyoko
	Kisasi		Ikombe
	Mbusyani		Katangi
	Maliku/Toleka Part		Kyua
	Mutitu/Kaliku		Kathama
	Zombe (Sombe)		Mbiuni
	Nzangathi/Thua/		Makutano/Mango
	Ithumula		Mwala
	Malalani/Endau		Masii
	Mwitika/Kyamatu		Vulya
	Voo		Wamunyu
	Ikanga		Yathui
	Mutomo/Kibwea		Muthetheni
	Mutha/Ndekani		Miu
	Kanziko/Simisi		Kibauni
	Ikuitha/Kasala		Ikalausa
	Mutha/Ndakani		Mitaboni
	Maluma/Kalivu		Mathunya
	Athi		Kathiani
	Mathima		Knewa
	Kyatune		Iveti
Municipality of Kitui	Kithumula/Kauma		Kaani
	Kalimani/Matinyani/Mutulu		Kalama/Kyangala
	Kyangwithya East (Part)		Muumandu/Koia
	Township	Municipality of Machakos	Ngelani
	Kyangwithya West		Mutituni
	Toleka/Katulani		Mua
			Mumbuni North

SCHEDULE—(Contd.)

Local Authority	Name of Electoral Area
Municipality of Mavoko	Sophia/Kenya Near
	Makadara
	Atti River North
	Karari
	Muthurani
Township of Kangundo	Industrial Station
	Matungulu North
	Matungulu West
	Matungulu East
	Kangundo East
Township of Marua	Kangundo North
	Kangundo West
	Kaulani/Kalulani
	Kakuruni/Central
	Kithimni
County of Malakani	Kalawa
	Kaangini
	Kisau
	Wala
	Kitea
	Talimani
	Mutituni/Uhiani
	Kyuu/Nzeveni
	Kalawani
	Kithungo/Kitundu
	Kalanzoni/Kirima Kiu
	Mukoa
	Kiungo
	Kasikeu/Mumha
	Kiou
	Ulia/Tuani
	Wacemu/Kec/Kwani
	Kithembe
	Kikoko
	Kithungu/Ilma
Mulala/Emali	
Mbidi	
Nzanti/Kilii	
Kithumbu/Kalamba	
Nguu	
Masumba	
Kathonzweni	
Mbuvo/Kitise	
Mavindini	
Kanthuni/Kihuti	
Twarandu/Kihoko	
Makindu	
Kikumbuyu North	
Kikumbuyu South	
Kinyanbu	
Masonguleni	
Mitio Andei West	
Mitio Andei East	
Nguumo	
Township of Mitio Andei	Kambu
	Kvingoni/Ang'elie
	Kathekani/Darjani
	Mitio Andei
Township of Wote	Kaumoni
	Ikoko
	Wote
	Ikikumini

SCHEDULE—(Contd.)

Local Authority	Name of Electoral Area
County of Nyandarua	Muvuu
	Nzii
	Moguru
	Ipyelie
	Kari/Kinja
	Njabin
	Marungaru
	Lereshya
	Mikarai/Andarasi/Mitungi
	Tuhagu/Munyaka
	Kipipiri
	Muratak/Guhara
Gata	
Township of Ol Kalou	Malawa
	Kanjiri Ridge
	Dundori
	Ol Joro Oro
	Wang'ohi
	Gatlangi
	Gatimu
County of Nyeri	Kiritia
	Leashu Pondo
	Ndarungva
	Shanola
	Mairindiri
	Wera
	Ruri
Township of Ol Kalou Central	Ol Kalou Central
	Kalambaga
	Gielungo
	Ol Kalou
	Muhoya
	Tetu
	Thiingi
	Karundu
	Aguthi
	Gaali
	Mugunda
	Otarakwa
	Enderasha
	Mweigu
	Thegu
	Naro Moru
	Kiamathaga
	Kabaru
	Gakawa
Mwiyoga	
Ngoran	
Ruguru	
Maguru	
Kirimukuyu	
Gandu	
Ichugu	
Konyu	
Fria-Tai West (Makira)	
Fria-Tai East (Mabira)	
Muhiga	
Munwe	
Fria-Tai Part (Othaya)	
Chinga	
Karima	
Galdinda	
Mshito	
Gikondi	
Githi	
Gtashugu	
Rurume	
Makuro	
Tharu	
Municipality of Nyeri	Chanja
	Nyeri Central
	Gatitu

SCHEDULE—(Contd.)	
Local Authority	Name of Electoral Area
	Kamakwa
	Nyaribo
	Kiganjo
	Karia
	Muruguru
	Kirichu
	Ngonde
	Mathari/Kihuyo
Municipality of Karatina	Residential
	Railway
	Commercial
	Market
	Stadium
	Hospital
Township of Othaya	Nyamari
	Kanyange
	Kianganda
	Nduye River
	Thui
Municipality of Kerugoya/Kutus	Kutus South
	Kutus Central
	Kerugoya North
	Kerugoya South
	Nduini
	Kerugoya Central
Township of Sagana	Kinyaga
	Karima
	Kathaka
	Gacharu
County of Kirinyaga	Kabare
	Karumandi
	Baragwi
	Ngarima
	Njuki-Ini
	Kirima
	Inoi
	Mutira
	Kanyeki-Ine
	Kangai
	Muthithi
	Thiba
	Tebere
	Nyangati
	Murinduko
	Muruana
	Nguka
	Gathigiriri
	Mukure
	Kiine
	Mwerua
	Kariri
County of Murang'a	Rwathia
	Kiruri
	Kanyenyaini
	Iyego
	Kihoya
	Gacharaiyu
	Njumbi
	Kiria-Ini
	Kamacharia
	Gitugi
	Kitu
	Karung'e
	Murandia
	Weithaga
	Kahuhia
	Gatundu
	Mibiru Rural
	Gikindu
	Gatari

SCHEDULE—(Contd.)	
Local Authority	Name of Electoral Area
	Gathaiti
	Mirichu
	Kimathi
Township of Kangema	Gakira
	Watuha
	Muringaini
	Kiairathe
Municipality of Murang'a	Maragi
	Hospital
	Njoguini
	Central
	Mumbi
	Mukuyu
County of Maragwa	Kinyona
	Muthithi
	Kigumo East
	Kangare
	Kahumbu
	Kigumo West
	Mungua Ridge
	Nginda
	Kamahuha/Maranjau
	Kagunduini East
	Gaichanjiru
	Githumu
	Muruka
	Kagunduini West
	Kibage
	Ngararia
Township of Maragwa	Mbugua
	Gakoigo
	Ichagaki
	Samar
Township of Makuyu	Makuyu
	Kirimiri
	Kambiti
	Wempa
Township of Kandara	Kaguthi/Githuya
	Gatundu/Kiri/Kandara
	Gakui/Karimanwaro
	Gathuga/Ruchu/Gakarara
County of Kiambu	Komothai
	Kiratina
	Githunguri
	Kanjai/Kiaria
	Githiga
	Ikinu
	Ngewa
	Cianda
	Ting'ang'a
	Ngecha
	Ndeiya
	Thigio
	Karai
	Nachu
	Kinale
	Kijabe
	Kirenga
	Lari
	Nyanduma
	Gatamaiyu
Municipality of Kiambu	Kanunga
	Ndumberi
	Technology
	Riabai
	Kihingo
	Township

SCHEDULE—(Contd.)

<i>Local Authority</i>	<i>Name of Electoral Area</i>
Municipality of Limuru	Tigoni
	Limuru Central
	Limuru East
	Bibirioni
	Kamirithu
Township of Kikuyu	Nyathuna
	Kabete
	Kinoo
	Kikuyu
	Muguga
Township of Karuri	Kihara
	Ndenderu
	Muchatha
	Kiambaa
County of Thika	Kariara
	Kigoro
	Kihumbuini
	Gatanga
	Mitubiri
	Samuru
	Kakuzi
	Mugumoini
	Ithanga
	Kiriini
	Gituamba
	Mukarara
	Githobokoni
	Mang'u
	Gathaite
	Ndarugu
	Karuri
	Kiganjo
	Makwa
	Kiamwangi
	Mundoro
	Kalimoni
	Ngenida North
	Ngenida South
Juja	
Gatuanyaga	
Kamwangi	
Municipality of Thika	Ndururumo
	Mugumoini
	Market
	Biashara
	Majengo
	Kiganda
	Hospital
	Kamenu
Makongeni	
Municipality of Ruiru	Murera
	Gitothua
	Viwanda/Biashara
	Kahawa Sukari
	Githurai Kimbo
Gatong'ora	
County of Turkana	Nadapal
	Kibish
	Naita
	Lokichoggio
	Loruth Esekon
	Kalkor
	Ngissiger
	Kalobeyei
	Kakuma
	Loreng
	Meyan
	Kokuro
	Kataboi
	Nanaam/Mogila

SCHEDULE—(Contd.)

<i>Local Authority</i>	<i>Name of Electoral Area</i>
Municipality of Lodwar	Yapakuno
	Kaeris
	Songot
	Lokitaung
	Lorau
	Loteleleit
	Pelekech/Makalale
	Karebur
	Riokomor
	Loima
	Lorongippi
	Turkwel
	Katokol
	Kang'atotha
	Kerio
	Lomeyan
	Kotaruk
	Lokiriama
	Kapua/Namadak
	Kang'irisae
	Lobei
	Katilia
	Lokori
	Napeitom
Kaputir	
Kochodin	
Kapedo	
Katilu	
Lobokat	
Lokichar	
Kalapata	
Katilu	
Nadapal	
County of Pokot	Kenyatta
	Kanamkemer
	Kawalase
	Napuu
	Napetet
	Nakwangi
	Akoret
	Lokitanyala
	Kalapata
	Chemorongit
	Kases
Kiwawa	
Lopet	
Kasei	
Kodich	
Kapchok	
Suam	
Ptoyo	
Endugh	
Tamugh	
Nakwiji	
Chekomos	
Sook	
Chepkopegh	
Keringet	
Kapenguria North	
Riwo	
Kanyarkwat	
Miskwony	
Porkoyu	
Sekerr	
Masol	
Sekerot	
Lomut	
Cheptulel	
Weiwai	
Kopro	
Mwino	
Sondny	
Batei	
Parra	

SCHEDULE—(Contd.)

Local Authority	Name of Electoral Area
	Tapach
	Kaptabuk
	Lelan
	Kapyongen
Municipality of Kapenguria	Keringo/Psigirio
	Kisiatnet
	Chemvochoi
	Siyoi
	Talau
	Kapenguria
	Kaibos
Township of Chepareria	Senetwo
	Chepareria/Kosulol
	Ywalateke
	Kapchemogen
County of Samburu	Nyiro West
	Nyiro East
	Kawap
	Arsim
	Ndoto
	Latakweny
	Baragoi
	Nachola
	El-Barta
	Mani
	Poro
	Angata Nanyokie
	Opiroi
	Loosuk
	Lodokejek
	Baawa
	Kisima
	Suguta Marmar
	Amaiya
	Nairimirimo
	Barsaloi
	Ngare Narok
	Ngilai West
	Lodungokwe
	Wamba
	Sere-Olipi
	Waso East
	Waso West
	Ngaroni
	Nyiro South
Township of Maralal	Lpartuk
	Milimani
	Biashara
	Lkoroto
	Shabaa
	Ng'ari
County of Nzoia	Chepchoina
	Mumberes
	Endebess
	Kapko
	Kaptega
	Matumbui
	Kapomboi
	Kvanza
	Kciyo
	Kaisagat
	Kapsitwet
	Matisi
	Kinyoro
	Kisawei
	Saboti
	Machewa
	Sikhendu
	Kiminini
	Nabiswa
	Waitaluk

SCHEDULE—(Contd.)

Local Authority	Name of Electoral Area
	Sirende
	Kaplamai
	Makutano
	Motosiet
	Sinyere
	Sititunga
	Cherangani/Suwerwa
	Kiptoror
	Chepsiro
Municipality of Kitale	Mumia
	Masaba
	Tuwani
	Sokoni
	Kipsongo
	Milimani
	Kibomct
	Hospital
	Webuye
	Lessos
County of Warend	Moi's Bridge North
	Moi's Bridge South
	Ziwa
	Koisagat
	Kipsomba
	Soy
	Kiplombe
	Kamagut
	Sugoi
	Tapsagoi
	Ngenyilel
	Karuna
	Moibeki
	Moiben
	Sergoit
	Tembelio
	Kaptagat
	Kipkabus
	Ainabkoi
	Simu/Kapsaret
	Ngeria
	Megun/Kesses
	Tulwe/Chuiyat
	Oleinguse
	Timboron
	Kipchamo
	Cheptiret
Municipality of Eldoret	Kamukunji
	Kapyem
	Shauri Yako
	Market
	Stadium/Industrial
	Kidiwa/Kapsuswa
	Hospital
	Kapsuya
	Kimumu/Sergoit
	Kipkenyo
	Eldoret North
	Langas
	Racecourse
	Pioneer/Elgon View
Township of Burnt Forest	Tarakwa
	Simotwa
	Olare
	Chepng'oror
County of Keiyo	Kapchemutwa
	Kokwan
	Kamogich
	Kiptuilong
	Keu
	Muter
	Chepsigt

SCHEDULE—(Contd.)

SCHEDULE—(Contd.)

Local Authority	Name of Electoral Area	Local Authority	Name of Electoral Area
	Kibergoi		Kaptumo
	Soy		Koyo
	Chamoibon		Kaboi
	Kocholwo		O'Illessos
	Metkei		Sochoi
	Meoi		Kapcherwa
	Kemwasor		Chemelil
	Kaptarakwa		Kapkoros
	Mosop		Metetei
	Marichor East		Songhor
	Marichor West		Soba
	Kabiemit		Tinderet
	Nyaru		Kapkernich
	Tumeiyo		Ilal
	Kitany		
	Kapkwoony		
Township of Iten/Tambach	Irong	Municipality of Kapsebat	Chemundu/Kaptildi
	Kapkonge		Kaptabat
	Central		Kamobo
	Sergoit		Kiminda
	Kessup		Chepterit
	Kapterik		Kipture/Arimis Kimnam
County of Marakwet	Endo		Kipsigak/Kipsotoi
	Koibirir		Kabirirang
	Embobut	Township of Nandi Hills	Kosoiyo
	Embolot		Kapng'etuny
	Kaptich		Kapsimotwo
	Kapyego		Chebatus
	Sambirir		Siret
	Kipkaner		Mogobich
	Mokoro	County of Baringo	Tirioko
	Murkutwo		Kolowe
	Mon		Akoret
	Kamoi		Ribkwo/Kositei
	Sengwer		Loiyamorok
	Lelan		Sitale
	Cherang'any		Tangulbei
	Chebororwa		Korossi
	Kuserwo		Churo
	Moiiben		Ng'orom
	Kapsowar		Kaboskei/Kipkata
	Kipsaiya		Sibilo
	Koibarak		Saimo North
	Aror		Kaboskei Kerio
	Chesuman		Lawan
County of Nandi North	Chepterwai		Kabutici
	Surungai		Kelyo
	Kurgung		Ossen
	Kiptaren		Katiorin/Saimo South
	Ndalat		Barum
	Kabiyet		Kabarnet Soi
	Kabisaga		Orakwo
	Sengalo		Telei/Ewelei
	Kebulonik		Ng'et Moi
	Lelmokwo		Kabasis
	Mutwai/Ngechak		Secho Soi
	Chepkuria		Sacho Mosop
	Kamoiyo		Emom/Kisoni
	Kapsisiywa		Ewelei Soi/Kimondis
	Kaptel		Tenges
	Kaptiyya		Kimalei
	Kapkengani		Marigat
	Kosirui		Salabani
	Kililwoni North		Ng'ambo
	Arvos		Ilchamus
County of Nandi South	Kabwereng		Loboi
	Kemeloi		Muktant
	Terik		Chebinyiny/Arabal
	Maraba		Mqchongoi
	Kabwareng/Chebilet	Municipality of Kabarnet	Kitmoriot
	Ndurio		Chebano
	Chemase		Kinyo
			Kapsoo/Borowanin
			Seguton

SCHEDULE—(Contd.)		SCHEDULE—(Contd.)	
Local Authority	Name of Electoral Area	Local Authority	Name of Electoral Area
	Kaprogonya Kituro		Melwa Lorian
County of Koibatek	Cheberen Kakimor/Rosoga Kimng'oron/Sirwa Koibos Soi Enining Kamar Muguriny Kisanana Ol Kokwe Lembus Kipioim Lembus Mogotio Lembus Torongo Lembus Mosop Mumberes Maji Maz Uri Kiplombe Sinende Sigoro Saos/Kibias	County of Nakuru	Waseges Maji Tamu Subukia Solai Kabazi Munanda Ndungiri/Kirima Bahati Kiamaina Dundori Lanet Makongeni Kampi Ya Moto Rongai Lenginet Boror Ngata Elburgon Mutamaiyu Njoro Mukungugu Kihingo Mauche Mau Narok Suruu Lare Naishi Maraisihoni Nessuit Kamara Kuresoi Mkulima Kiptororo Temoyetta Chermaner Nyota Tinet Keringet Kapsibciywo Amalo Kaplanai Kiptangich Cheptuech Miti Mingi Gilgil Mbaruk Murindati Ndabibi Maieffa Longonoi Kiambogo Mai Mahu
Township of Eldama	Poror Ravine Benoin Perkera Kabimoi Solian	Municipality of Nakuru	Nakuru East Menengai Kivumbini Shauri Y Ako Lake View Langa Langa Bonden Basiara Hospital Viwanda Shabab Rhoda Kaptembwa Barot West Barot East
County of Laikipia	Ol-Moran Dimkom Kinamba Gituamba Muhotetu Muthengera Salama Mutara Lonyiek Sosiani Donyoleip Igwaniti Marmaret Oloiborsoit Idigiri/Ilpolei Mumonyot Mukogodo Makurian Ilingwesi Naibor Umunde Ethi Segera Ngobit Sirma Lanuria Tigithi	Municipality of Naivasha	Malewa West Malewa East Naivasha East
Municipality of Nanyuki	Mashamba Hospital Basiara Stadium Nurukuma Central		
Municipality of Nyabururu	Uaso Narok Maina Nduturumo/Hospital Nduuyu Kiganda Manguo		
Township of Rumuruti	Ayam Manyatta		

SCHEDULE—(Contd.)

SCHEDULE—(Contd.)

Local Authority	Name of Electoral Area	Local Authority	Name of Electoral Area
	Maraigishu		Oloimasani
	Hell's Gate		Njipiship
	Lake View		Emurua Dikirr
	Olkaria		Kimintet
	Biasbara		Mogondo
	Vivanda		Ikerin
	Mwicingiri		Otorien
Township of Molo	Koige		Ang'ata Barrikoi
	Sinkwa		Moyoi
	Kiambiria		Emarti
	Turi North		Kapsasian
	Turi South		
	Sachangwani	County of Olkejuado	North Keekonyokie
	Molo		Mosiro
County of Narok	Olpusimoru		Central Keekonyokie
	Olokuro		South Keekonyokie
	Entiyani		Oldonyonyokie
	Enabelbet		Kitengela
	Olorropil		Oloosirkon/Sholinke
	Olehoru		Kaputei North
	Upper Melili		Olkiramatian
	Entontol		Magadi
	Ildamat		Shompole
	Enoosupukia		Ngong
	Ntulele		Ololua
	Keekonyokie		Kiserian
	Ongata Naado		Kandis
	Mosiro		Olkeri
	Suswa		Ongata Rongai
	Olutukat		Lemclopo
	Siyiapei		Loodokilani
	Ololpironito		Toro sei
	Mulor		Matapato West
	Enclerai		Purko
	Olderkesi		Lorg'osua
	Signa		Imunkushu
	Mara		Ildamat
	Olkinyci		North Dalalakutuk
	Lemek		South Dalalakutuk
	Ololulunga		Matapato East
	Olkiriane		Imaroro
	Melelo		Poka
	Sogoo		Kenya/Merueshi
	Sagamian		Meto
	Imootiok		Namanga
	Naroosura		Mailua
	Loita West		Lenkisin
	Morijo Loita		Entonet
	Elang'ata Enterit		Mbirikani
	Muji Moto		Kimana
	Neikara		Olorika/Kuku
			Loolopon
Township of Narok	Masikonde	Township of Kajiado	Rombo/Njukini
	Stadium		Enterera
	Olopito		Enkorika
	Nkareta West		
	Naisoya		Esukuta
	Nkareta East		Majengo
	Nkairamiram		Market
	Imasharian/Morijo		Hospital
	Oleleshwa		Eiti
	Nkareta North		Ololpurpurana
County of Trans Mara	Shankos	County of Kipsigis	
	Osinoni		Kaplelutet
	Enoosaen		Kiptere
	Sikawa		Kebeneti
	Olonchani		Chemamul
	Nkararo		Waldai
	Mnsurura		Kaptoboiiti
	Paoko		Kabianga
	Kapunc		Seisetut
	Olomismis		Chaik
	Shartuka		Soliat
			Soin
			Kapsoit

SCHEDULE—(Contd.)		SCHEDULE—(Contd.)	
Local Authority	Name of Electoral Area	Local Authority	Name of Electoral Area
	Ainamoi Kapseger Kunyok Chilchila Kokwet Kipteres Kamasian Snosa Kenegut Tendeno Lemotit Sorget Kapsaas Cheboswa		Cheptalal Chemosot Kisiana Tebesonik Kibugat Rongena
Municipality of Kericho	Chelimo Kimugung Cheptororiet Kipchimchim Motobo Mnjengo Hospital/Biashera Kipkoiyan Kapsuser Kapkugerwet Kedowa Londiani Kipsirichet Masaita/Tuiyobei	Township of Litein	Cheborge Cheptendeniet Cheplanget Techoget Kapkatet Litein Kusumek
Township of Londiani		Township of Sotik	Monire Chebilat Chemagel Yaganck Kaplong
Township of Kipkelion	Barsiele Kimugul Chesinende Lesirwa	Township of Malava	Chemuche Mugai Butali Mahira
County of Bonct	Chesoan Sibaiyan Ndaraweta Mugaengo Tegat Chicmaner Kembu Kapkimolwa Kiprerer Siongiroi Chebunyo Makimeny Kong'asis Sugumeriga Sigor Lelaitich Kaboson Ndana Kipsonoi Abosi Kipkelei Kanusin	County of Kakamega	Shivanga West Kabras South Kabras Chegulo Shirugu(Part) East Kabras Manda Shinoyi/Shikomari/Esumeyia Central Butsoto Bukura Bunyala East/Namirama Sitikho/Kochwa Ingoise/Matiba Shikoti Central Bunyala/Nambacha Budonga Murhanda Shidodo/Shitochi Virhembe/Mukango Kambiri Ivhiiga Ilesi Museno/Shinulu/Lukose Shing'oto/Shiasava Idakho West Idakho East Idakho South Idakho North Idakho Central
Municipality of Bomet	Itembe Cheboin Township Emkwen Singorwet Muterakwa Tuluapmosonik	Municipality of Kakamega	Musan Matende Bukhulunya Sichilayi Amalemha Milimani Central Shibiriri Maraba Shichilayi Mahiakalo Shibiriri Muraba
County of Bureti	Kamungei Kapletundo Siriat Chepchibus Kimuloi Boito Kaptebengwet Mogogosiek Embomos Koiwa	County of Lugari	Sinoko Kongoni Mautuma Lugari

SCHEDULE—(Contd.)		SCHEDULE—(Contd.)	
Local Authority	Name of Electoral Area	Local Authority	Name of Electoral Area
	Moi's Bridge/Metunda		Izava
	Likuyeni		North Maragoli
	Munyuki		Wamuluma
	Chekelini		Central Maragoli
	Sango		
	Makarusi	County of Mt. Elgon	Cheptais
	Musemwa/Vinyanya		Chemoge
	Mwamba		Emmie
	Mahanga Maturu		Chepyuk
	Mabuye		Chongeywo
	Cheveyva (Part)		Namorio
County of Bteru-Mumias	Etenje		Elgon
	Shidingo (Part)		Koptame
	Mukulu		Chepkube
	Musenda		Chezikok
	Isongo		Kapkateny
	Shikalame		Kaboywo
	Koyonzo		Sasur
	Khalaba	County of Bungoma	Naitiri
	Kholera		Nabikoto
	Namamali		Tongaren
	Indangalasia		Mbakato
	Matungu		Ndalu
	Lung'anyiro		Milima
	Buchenya		Makhonge
	Central Marama		Soysambu
	Marenyo/Shianda		Kabuyefwe
	South Marama		Kiminini
	North Marama		Ndivisi
	Butere Township		Misikhu
	Lunza		Bokoli
	Manyala		Sitikho
	North Kisa		Chetambe (Part)
	Central Kisa		Namarambi
	West Kisa		Kituni
	East Kisa		Lugusi
	Mulwanda		Miendo
	South Kisa		Milo
Municipality of Mumias	Etuche		Mukuyuni
	Ekeru		North Bukusu
	Lureko		Namwela
	Matava		Lwandanyi
	Mumias Central		Chwele
	Mumias North		Luuya
	Lushenya		Kabuchai
	Mayoni		Kabula
Township of Luanda	Mukhalakhala		Sirare
	Wemilabi		Namumbila
	Emabungo		Kibabii
	Luanda		Bukeimbe West
	Mwibona		West Sang'alo
County of Vihiga	West Bunyore (Part)		East Sang'alo
	Central Bunyore		Bukeimbe East
	Luanda South		Kimacti
	Bunyore North		Bumula
	North East Bunyore		South Bukusu
	Busali		West Bukusu
	Wodanga		Napara
	Sabatia West		Khasoko
	Lugaga	Municipality of Kimilili	Kibinget
	Mungoma		Kimilili North
	South Maragoli		Kimilili South
	Shiru		Maeni
	Shamakhokho		Chebukwabi
	Banja	Municipality of Webuye	Nabuyoole
	Gisembai		Webuye North
	Taindua		Webuye West
	Jepkoyai		Webuye South
	Muhudu		Webuye Central
Municipality of Vihiga	Lvaduwa		Lwandeti
		Township of Sirisia	Makalau

SCHEDULE—(Contd.)		SCHEDULE—(Contd.)	
Local Authority	Name of Electoral Area	Local Authority	Name of Electoral Area
	Chebukutumi Chongoyi		Wakhungu Odiado
Township of Malakisi	Sitabicha/Mwalie East Tamlega/Mwalie West Siboti Mukwa	Township of Port Victoria	Lunyofu Bukoma Bulemia Bukani
Municipality of Bungoma	Stadium Sinoko Mjini Khalaba Siritanyi Sio Namasanda Musikoma	Township of Ukwala	Ukwala West Ukwala East North West Ugenya North Ugenya
County of Teso	Ang'urai North Ang'urai South Ang'urai East Amukura East Amukura Central Akoret Chakol Central Chakol South Chakol North Kaliwa	Township of Ugunja	Magoya/Rambufa Umala Ambira/Ngunya Ugunja
Township of Malaba	Malaba North Malaba East Malaba Central Malaba South Malaba West	County of Siaya	East Ugenya North East Ugenya West Ugenya Uholo North Uholo East South Ugenya Jem Usonga West Alego South West Alego South Alego Boro West North Alego (Part) Boro East South East Alego East Alego North Gem Central Gem East Gem Wagai North Wagai South South Gem
Municipality of Busia	Angolot Amerikwai Alupe Angorom	Municipality of Siaya	Mjini Siaya East Siaya West Siaya Central Siaya North
County of Busia	Bukhaya North/Walasi Bukhaya East Busibwabo Bukhaya Central (Part) Matayos South Bukhaya West Busibwabo Elukhari Bukhalajiire Marachi West Elukongo Elugulu Esikoma Funyula North Bwiri Funyula South Bunyala South Bunyala North Tingolo Bwiri	Township of Yala	Anyiko/Sauri Nyaminia Jina Marenyo
Municipality of Busia	Burumba Agolot Amerikwai Alupe Angorom Mjini Mayenje Bulanda	County of Bondo	Maranda West Usigu East Usigu West Central Yimbo North Sakwa South Sakwa Central Sakwa Central Asembo East Asembo Rarieda West Central Uyoma East Uyoma South Uyoma West Uyoma
Township of Nambate	Tangakona/Khwirale Kisoko Manyole Lwanyange	Township of Bondo	Nyawita Bondo Town Ajigo Bar Kowino East Bar Kowino West
Township of Funyula	Nangina Namboboto	Municipality of Kisumu	West Kajulu East Kajulu Manyatta

SCHEDULE—(Contd.)		SCHEDULE—(Contd.)	
Local Authority	Name of Electoral Area	Local Authority	Name of Electoral Area
	Nyalend 'A'		Kibiri
	Central Kohwa		Central Karachuonyo
	East Kohwa		Wang'chieng/Karabondi
	Kondele		Kanyaluo
	Migosi		Kakdhimu
	Nyalenda 'B'		Kanjira/Kobiero
	South West Kisumu	Township of Oyugis	Mawira/Ribuur
	Kisumu Central		Wire Hill/Migwa
	Kisumu East		Sikri
	Kibuye		Obisa
	Kaloleni/Shauri Moyo		Ayoro/Nyandong'e
	Kisumu North	Township of Kendu Bay	Simbi/Kogemgo
	Aerodrome		Gumba/Jieri
	Railway		Gendia/Awach
	Mitimani		Rambira
	Market	County of Homa Bay	West Kanyada (Part)
	Stadium		Kochia West
	Kogony		Kochia East
	North Kisumu		Kagan West
County of Kisumu	North Central Seme		Kagan East
	South Central Seme		Gem West
	West Seme		Gem East
	South West Seme		Gem Central
	Otwenya		East Kanyada (Part)
	East Seme		East Kwabwai
	North West Kisumu		West Kwabwai
	West Kisumu		Kanyadoto
County of Nyando	Miwani		Riana West
	Ombeyi North		Central Kabuoch
	Masogo		West Kanyamwa
	Nyangoia		Central Kanyamwa
	Chemelli		South Kabuoch
	Tamu		North Kanyamwa
	Kabar		Kanyikela
	North Nyakach/Rang'ul		South Kanyamwa
	North East Nyakach	Municipality of Homa Bay	Posta/Bonde
	Pap Onditi		Konyabala
	Central Nyakach/Nyalunya		Kanyatier/Kothidha
	South West Nyakach		Kalanya
	Sigoti		Hospital/Central/Market
	South Nyakach		Katuma
	Thurdiuoro	Township of Rongo	West Kamagambo
	Kochieng		South Kamagambo
	East Nyakach		North Kamagambo
	West Nyakach		East Kamagambo
	Bwanda/Kanyagwal		Central Kamagambo
	Kawino	Township of Awendo	North Sakwa
	East Kano		West Sakwa
	Awasi		Central Sakwa
Township of Muhoroni	God Nyithindo		East Sakwa
	Muhoroni Town		South Sakwa
	Ōwaga	County of Migori	Kakrao
	Koru		God Jope
	Fort Ternan		Kwa
Township of Ahero	Ombeyi South		Suna Nyabisawa
	Kombura/Katho		Mukuro
	Kochogo		Giribe
	Kakola		Suna South
	Onjiko/Wawidhi		North Kanyamkago Zone
County of Rachuonyo	Kawoor		Central Kanyamkago Zone
	West Kasipul		West Kanyamkago Zone
	Central Kasipul (Pari)		East Kanyamkago Zone
	Kokwanyo		Kamgundho
	Kakelo		Kachieng
	Kojwach		Kanyasa
	Kabondo Ramba		Ndiwa
	Wang'chieng		Nyakwere
	Kasewe		
	Kachien		
	Kanam		

SCHEDULE—(Contd.)		SCHEDULE—(Contd.)	
Local Authority	Name of Electoral Area	Local Authority	Name of Electoral Area
	South Kanyamkago Zone		Misesi
	Macalder		Mokubo
	Got Kachola		Kenyenya
	East Kadem		Boochi Borabu
	Kaler		Nyaisero
	Muhuru East		Nyacheiki
	Muhuru West		Mokwerero
Municipality of Migori	Milimani		Maji Mazuri
	Ngege		Bobasi Masige
	Kadika		Nyangusu
	Oruba		Bobasi Chache
	Nyasare		Bobasi Borabu
	Ragana		Bobasi Boitangare
County of Suba	Gembe East	Township of Tabaka	Nyachenge
	Lambwe East		Central/Ikoba
	Lambwe West		Nyango/Kiburunga
	Waware/Wakinga		Bomonyara
	West Mfangano	Township of Ogembo	Egetuki
	Gembe Central		Central
	Mfangano South		Tendere
	Kaksingri East		Getare
	Ruma		Sameta
	Kaksingri West		Mosora
	Gwasssi North	Township of Nyamache	Emenwa/Nyocra
	Gwasssi West		Kiobegi/Gionseri
	Gwasssi Central		Nyachogochogo
	Owich Kibwer		Nyantira
Township of Mbita Point	Kamasengre	County of Gusii	Riana
	Kaswanga/Wanyama		Bomokora
	Kasigunga Central		Bomariba
	Rusinga East		Kiamokama
	Kasigunga West		Mobamba
Municipality of Kehancha	Nyamosense		Ikorongo
	Tagare		Ekware
	Ntimaru		Ibacho
	Komosoko		Ibeno
	Getong'anya		Kiogoro
	Masaba		Birongo
	Kombe		Keumbu
	Ikerege		Boronyi
	Nyamaharaga		Kegogi
	Gwitembe		Ikuruma
	Bukira Central		Mwamonari
	Gokeharaka		Marani
	Getambwega		Nyatieko
	Nyabasi West		Sensi
	Keburoti		Mosocho
	Maeta		Bogeka
	Nyabasi North		Nyakoe
	Siabai		Kegati
	Wangirabose		Matongo/Gesangero
	Kehancha	Municipality of Kisii	Nyamokenye
	Nyankore		Nyaura
	Nyabikaye		Bobancho
	Nyamataburo		Central
	Tarang'anya		Kanga Hill
	Kegonga		Mwenbe Tayari
Township of Nyamaramba	Nyansore		Nyankongo
	Bogetenga		Kiamwasi
	Boikanga East		Nyabururu
	Boikanga West		Daraja Mbili
County of Gucha	Getenga		Kiongungi
	Chitago		Getare
	Borabu	Township of Suneka	Bogiakumu North
	Otendo/Nyansakia		Nyang'iti
	Kabiero		Insaria
	Magenche		Bokeira
	Majoge Masaba		Bogiakumu South
	Majoge Borabu	Township of Keroka	Nyasore
	Rosoti		Bachura

SCHEDULE—(Contd.)		SCHEDULE—(Contd.)	
Local Authority	Name of Electoral Area	Local Authority	Name of Electoral Area
	Ichuni		Mekenene
	Amabuko		Esise
	Nyansira		Magwagwa
	Nyantoba		Kiangeni
Township of Masimba	Gekonge		Bomwagamo
	Mietembe		Itibo
	Gesusu		Rokeira
	Kerema		Obwari
County of Nyamira	Manga		Ikonge
	Kemera		Mokomani
	Magombo	Township of Nyamira	Rangenyo
	Gechuba		Kebirigo
	Rigoma		Mageri
	Gesima		Sironga
	Mochenya		Nyamira
	Tombe		Nyamaramba/Nyangoge
	Omogonchoro	Township of Nyansiongo	Ensakia
	Bogwendo		Central
	Miriri		Manga
	Kecra		Matutu
	Bigege		
	Metagara		
	Bogichora (Part)		
	Bonyamatuta (Part)		
	Ikobe		
	Miruka		
	Motontera		
	Omonono		

Gazette Notice No. 7133 of 2002, is revoked.
Dated the 23rd October, 2007.

S. M. KIVUITU,
Chairman,
Electoral Commission of Kenya.

GAZETTE NOTICE NO. 10558

THE CONSTITUTION OF KENYA

THE NATIONAL ASSEMBLY AND PRESIDENTIAL ELECTIONS ACT

(Cap 7)

THE PRESIDENTIAL AND PARLIAMENTARY ELECTIONS REGULATIONS

APPOINTMENT OF RETURNING OFFICERS AND DEPUTY RETURNING OFFICERS

IN EXERCISE of the powers conferred by section 3 of the National Assembly and Presidential Elections Act and regulation 3 (1) of the Presidential and Parliamentary Elections Regulations, the Electoral Commission appoints the persons specified in the second and third columns of the Schedule hereto respectively, to be the Returning Officers and Deputy Returning Officers for the constituency specified in the first column of the Schedule.

The appointment shall come into force on 23rd October, 2007 and will be for the conduct for the general election to be held on 27th December, 2007 only.

SCHEDULE

Constituency	Returning Officer	Deputy Returning Officer
1. Makedara	Jerusha Chepsat	Andrew Mariita Nyariki
2. Kamukunji	Hulda Ogoti	Priscyllar A. Wamiru
3. Starehe	Manasseh Mugasia	Grace Mogina
4. Langata	Josephine Mwangi	Jarvis Wanamboya
5. Dagoretti	Samuel K. Njuguna	Nereah Were Magak
6. Westlands	Phanuel Owiti Owiti	Fredrick N. Mutua
7. Kasarani	Hamida Kibwana	John Rono Sitieni
8. Embakasi	Ibrahim H. Dahiye	Immaculate Nguku Wanyaga
9. Chengamwe	Abdulrahman A. Sheikhli	Juma Hamisi Kalinga
10. Kisumu	Eric Bada Mwambi	Kombo Ngeti Ngoro
11. Likoni	Ahmed Abdikarim Hassan	Shadrack John Igwo
12. Mvita	Derrick Hamisi Phocmbea	Sabri Mburak Salim
13. Msambweni	Edith Fidia Lipuka	Nicholas John Kumbua
14. Matuga	Ali M. Hassan	Penininah Ndegwa
15. Kinango	Davis M. Ngoyawo	Salim Yawa Miria
16. Bahari	Ahmed Mohamed Bashir	Lewis Haro Lewa
17. Kaloleni	Jonathan M. Ngala	Elvina Bibi Mutta

SCHEDULE—(Contd.)

Constituency	Returning Officer	Deputy Returning Officer
18. Ganze	Benson Mwilemi	Parlmastone Shida Thuva
19. Malindi	Lotan M. Ade	Rev. William Kalu Mwabonje
20. Magarini	Amina Kale Loo	Getrude Mbeyu Mwanjanje
21. Garsen	George Mwadai Nyawa	Suleman Buko Yesse
22. Galole	Bwana Kai Abdullah Abubakar	Kolde Hashako
23. Bura	Joel Mwamburi	Paul O. Ogola
24. Lamu East	Bakoro A. Juma	Harun R. Kofa
25. Lamu West	Dora Hadulu Salatiel	Hussein Boya
26. Taveta	Sharoath Buko Tunu	Maryani Hussein
27. Wundanyi	Swaleh Gakurya	Raya E. Ahmed
28. Mwatate	Ramadhani B. M. Lugogo	Abdalla A. Ali
29. Voi	Lawrence K. Toyah	Aisha M. Faraj
30. Dujis	Bishar M. Abdullahi	Abdalla Miraj
31. Lagdera	Jama Hassan Genney	Stanley M. Mwamburi
32. Fufi	Hussein A.K. Nure	Mwangoma Tayo
33. Ijara	Abdirahim Said Abass	Everlyn Kamata
34. Wajir North	Adan Bile Bare	Caroline Somba
35. Wajir West	Khalif Mohamed Sheikh	Ebla Haji Adan
36. Wajir East	Abdi Gedi	Hassan M. Sanwein
37. Wajir South	Dekow H. Aden	Shakil Hussein
38. Mandera West	Abdullahi A. Omar	Hadi H. Mohamed
39. Mandera Central	Yussuf Mohamed Mwalim	Ahmed Dahir Gaal
40. Mandera East	Mohamed I. Abdullahi	Mohid A. Salah
41. Moyale	Japheth M. Muthuvi	Ali M. Ibrahim
42. North Horr	Peter K. Kavilu	Hassan D. Elmi
43. Saku	Robert Maleve	Shinale A. Ali
44. Laikipia	Peter Kilungu Wambua	Adan B. Mohamed
45. Isiolo North	Dr. Joseph Mutunga	Ibrahim Abdullahi
46. Isiolo South	Samuel Kilisya	Patrick Katello Issako
47. Igembe North	Austin K. Ngumbi	Abdilatif M. Aga
48. Igembe South	Titus Malombe	Salim Nyaur Kato
49. Tigania West	Daniel Kikuyu	Mude Horbo Mude
50. Tigania East	Gerald Lumumba	Adan S. Dido
51. North Imenti	Dickson M. Mweu	Amina G. Shunu
52. Central Imenti	Francesca R. Mwove	Justus Ithai
53. South Imenti	Julius K. Kiseve	Enid K. Kubai
54. Nithi	David Makaa Kitaka	John Mwiti
55. Tharaka	Joseph Mwavili Mvongela	John Thaine Aruyaru
56. Manyatta	Reginah Nzambu	Judith Kauna
57. Runyenjes	James Lelontoy Orre	Silas Ndege M'Twamwari
58. Gachoka	Albert G. Thakura	Charles Munene Ngaruthi
59. Siakago	Jeremiah M. Kamia	Gabriel Njeru Kanyi
60. Mwingi North	Francis Mbogo Ngare	Peter S. N. Kathambara
61. Mwingi South	Geoffrey Muthuri	Justin Ireni Njagi
62. Kitui West	Gabriel K. Kobia	Salome Riungu
63. Kitui Central	Geoffrey N. Muthinja	Josephat Muthua Mwaniki
64. Mutito	David W. Kinyua	Conrad Kariuki
65. Kitui South	Festus Kirai Muga	Charles Alex Thitu
66. Masinga	Stephen Kiao	Stephen Kameti
67. Yatta	Abdulkadir Hassan Jillo	James Mbuvi
68. Kangundo	Titus B. Nuri	Ellius Waki
69. Kathiani	Jonathan Mwaniki Mwigu	Irene Mutia
70. Machakos Town	John Njoka Mukuthu	Patrick Mbonia
71. Mvula	Wario Tadicha Buke	Mbalu Paul Kalu
72. Mbooni	Caroline Ruguru Mwaniki	Peter M. Nyanzwii
73. Kilome	Stephen Mirici Muguna	Peter M. Katoni
74. Kaiti	John G. Oche	Gideon Kieta
75. Makueni	Ibrahim Adan Shabo	Jonathan M. Mwangangi
76. Kibwezi	Clement Nyaga Njiru	Rose Kavithe Samny
77. Kinangop	Kimani Kibiku	Joseph Ngolo
78. Kipipiri	Geoffrey Waweru Ngatiya	Joseph K. Mumo
79. Ol Kalou	Mungai Wachaga Hinga	Paschael M. Kiio
80. Ndaragwa	James Mugweru Mwenje	Asteve Musyoka Ndolo
81. Tetu	James Kigotho Muchori	Miriam M. Mwau
82. Kiini	John Njuguna Kahindi	Mwihuri John Ndungu
83. Mathira	Barnabas C. Mbugua	Kago Ndiritu
84. Othaya	John Maina Gachau	Kuira Grace Gathigia
85. Mukurweini	Lazaurs Nderitu	Mbugua Michael Kimani
86. Nyeri Town	Michael Gichuki	James Gitia Mwangi
87. Mwea	John Baptista Imuzu	Arthur Ngatia Gitau
		Charity Wangu Mugambi
		Eliud Gitonga Warutumo
		Richard Kihoro Kibe
		Jane Gathoni Muriuki
		John K. Muriithi

SCHEDULE—(Contd.)

Constituency	Returning Officer	Deputy Returning Officer
88. Gichugu	Arthur Gaconde Kihara	Bertha W. Njuki
89. Ndia	Margaret Oirere	Joseph Muhoro
90. Kirinyaga Central	James Kariuki Gitehi	Loise W. Nyaga
91. Kangema	Allan Ndegwe Muruthi	Josphat Gatambia Njuguna
92. Mathioya	Jesse Kimani Muthia	Wilson Kimani Kariuki
93. Kihehu	Samson G. Gichobi	Francis M. R. Wachoni
94. Igumo	Etias Kwiricha Karuga	Muhoi Ngunjiri Karanja
95. Maragwa	Florence Wanjiku Kinyanjui	Wilson Njau Haruko
96. Kandara	Reuben Warui Chege	Titus Gachau Kimani
97. Gatanga	Godfrey G. Kaguamba	Samuel Wang'ang'a Kinyanjui
98. Gatundu South	Jene Njeri Ndung'u	Magdaline Nyokabi Muthui
99. Gatundu North	Charles Mararo Njoroge	Mary Wanja Igweta
100. Juja	Watson Kimburi Mehinda	Zachary Kihiu Githua
101. Githunguri	Robert Kinuthia Mungai	Raphael Kurie Kiwara
102. Kiambu	Joseph Njuguna Mwenjani	Gabriel Gatheru Mbugua
103. Kiluyu	Njenga Joseph Richard	Eunice Wemaita Waiyaki
104. Limuru	Karanga Jules	George Kimani Kariuki
105. Lar	Dr. Materi James Kinuthia	Semuel Mbugua Karera
106. Turkana North	Johnstone N. Onyancha	Alice Akalapatan
107. Turkana Central	Elijah K. Koipitat	Ariko John Namoit
108. Turkana South	Johnstone C. K. Kerich	Paul Atonia
109. Kacheliba	Francis Kimani Wacibu	Charles Lokiyoto Ewoi
110. Kapenguria	John Gichuki	Lokusudo David Apalia
111. Sigor	Daniel K. Keter	John Eporon
112. Samburu West	Abraham K. Kirui	Daniel Wisian
113. Samburu East	Dr. Michael K. Cheruiyot	Bosco Lolem Lokolile
114. Kwanza	Benjamin Soi	Josi Loutei Neroyang
115. Saboti	David Kamau Kimani	Boniface L. Lentoimaga
116. Cherangany	Joseph O. Seita	Daniel Lochaamug
117. Eldoret North	Augustine K. Kenduiyo	Joseph Lemarkat
118. Eldoret East	Pamela C. Tum	Mary Sahani
119. Eldoret South	Harry Langat	Thomas Nyongesa
120. Marakwet East	Vincent Kesembe	Steve Barno
121. Marakwet West	Sammy Bett	Charles Kipkolum Koech
122. Kericho North	Betty Chelagat	M. Aiyabei Chesire
123. Kericho South	Joseph L. Mihei	Benjamin Malakwen
124. Masop	Tobias Gitahi Macharia	Edwin Rotich
125. Aluai	Edward Toroitich	Peter Rotich
126. Engwen	Samuel Kipkoske Towett	Georgine J. Kemboi
127. Tindiret	Perpetua Rono Bartoo	Philip Chernwok
128. Baringo East	Francis K. Nooseli	Paul Kimbebi Maru
129. Baringo North	Patrick Osoro	Annalyne Cherono Mutai
130. Baringo Central	Lawrence T. Sempete	William G. Rono
131. Mogotio	Stephen Sonto Sipala	Robert K. Seroney
132. Eldama Ravine	Reuben C. N. Butaki	Henry Losikiriatum
133. Laikipia West	Samuel K. Sawe	Jeremiah Kandagor
134. Laikipia East	Jacob Murio Parklea	Musa K. Chelagat
135. Naivasha	Christopher Ajele Lowalan	Lasoi C. Komen
136. Nakuru Town	Julius K. Bissem	Dr. George Singoei
137. Kuresoi	Jackson Limeris	Philomen Kiptulkyo Chelelgo
138. Molo	Laban Arupe Korellach	Mpina Muchemi
139. Rongai	Monica Cheruiyot	Harun Gathiru Njuguna
140. Subukia	George S. Imbogo	Isack K. Burugu
141. Kagoris	Eric K. Kimait	Lawrence A. Ondiala
142. Narok North	Stephen Too	Henry Antony Gakuyo
143. Narok South	Silvester K. Biwott	Richard K. A. Koros
144. Kajiado North	Fredrick Chepkiiyeng	Richard K. Nato
145. Kajiado Central	John P. Ngimor	Jepta Joseph K. Rono
146. Loitokitok	Adome Albert Lotuk	Evans Kambuni Gesichio
147. Bomet	Luka Y. K. Kuto	James Mwangi Kariuki
148. Chepalungu	Paul K. Cheruiyot	Duncan Swiwa
149. Sotik	Rev. Samuel K. Choge	Stanley S. Tome
150. Konoin	Elias K. Komen	John L. Shukuru
151. Buret	L. Lenkak	Agnes N. Kasuku
152. Belgut	Rev. Samson Akoru	Wilson T. Molil
153. Annamoi	Eng. Elisha Aduke	Daniel L. Kiok
		Stephen Mosonik
		Alex Rotich
		Samuel Mutai
		Eric Rotich Koskey
		Micah K. Mastamet
		Lily C. Ngeny
		William Kipkosgei Bett
		David K. Tonui

SCHEDULE—(Contd.)

<i>Constituency</i>	<i>Returning Officer</i>	<i>Deputy Returning Officer</i>
155. Lugari	George Luswei	Joshua T. K. A. Rono
156. Malava	Catherine Kikete	Mable Kasoha Kahi
157. Lurambi	Henry Wabwire Khalende	Vincent Maluti
158. Shinyalu	Charles K. Tendeti	Lorna Mbayi
159. Ikolomani	Jane Wasilva	Wilson Ashimosi
160. Mumias	Grace Mugalo	Rose Musungu
161. Matungu	Kennedy Madele	Esther D. W. Wambani
162. Butere	John Nyera Mango	Francis Mukolwa Osundwa
163. Khwisero	David C. Papa	James Orangu Omukwabi
164. Emulaya	Rita Omusolo	Geofrey A. Aluku
165. Sabatia	Wilfrida M. Makokha	Charles Anabaka
166. Vihiga	Charles M. Samini	Seth A. Ambale
167. Hamisi	Grace A. Idala	Catherine Kisia
168. Mt. Elgon	Joseph Ignatius Otieno	Charles S. Busolo
169. Kimilili	Wycliffe Z. Mbilu	Jestmore Makosi Tekwenyi
170. Webuye	Joshua Musungu	Vincent Sakhwa
171. Sirisia	James Kulubi Ontwangwe	Aggrey Namisi
172. Kanduyi	Michael M. Wangata	Joy Muyoti
173. Bumula	Edward Makokho Wakona	Jason Mabonga
174. Amagoro	Phyllionna E. Amadi	Geoffrey Khisa
175. Nambale	Ruth M. Otieno	Fredrick Ekamuran
176. Butula	Nathan Sakari	Benjamin Onyango Okwara
177. Funyula	Sylvanus Shikungu	Faith Mutsunc
178. Budalangi	George Watila	Hanningtom Mukhongo
179. Ugenya	Shadrack J. Owuor	Aggrey Kongo
180. Alago	Abednego Nam Ongidi	John W. Owino Otuko
181. Gem	Edward Bob Aloo	Wycliffe Osuga
182. Bondo	Bernadette Adhiambo	George Walter Akumu
183. Rarieda	Shem T. Ongige	Ben Ochieng' Ogony
184. Kisumu Town East	John Maoche Obaro	Doreen Akinyi Ondiwo
185. Kisumu Town West	Daniel John Oren	John Henry Juma
186. Kisumu Rural	Isaac Alila Ambaso	Margret A. Ojuando
187. Nyando	Adonija Aluga Nyamwanda	Njaman O. Auma
188. Muhoroni	Jacob M. Moenga	Luke Anyang' Achiando
189. Nyakach	Paul Okoth Odaga	Elly Ogutu Akatch
190. Kasipul-Kabondo	David O. Osusu	Margaret A. Jumu
191. Karachuonyo	Rhodha A. Obadha	Daniel Okoko Nyawawa
192. Rangwe	Calisto R. Owuor	Celine Atieno Owuor
193. Ndhiwa	James Ogari N. Jimbo	Easter Elizabeth Ogweni
194. Rongo	Charles M. Obwogo	Paul Ochieng
195. Migori	Nelson B. Apima	Gilbert Radeny
196. Uriti	Peter Onyango Obado	Eliakim I. Odhiambo
197. Nyatike	Maurice O. Ouya	Orpah Akelo Ogutu
198. Mbita	Nicholas Ombasa Okemwa	John Ochieng Ndege
199. Gwassi	George Morara Okenye	Permenas Odije Kungu
200. Kuria	Andrew M. Rianga	Michael Odira Adina
201. Bonchari	Rosemary C. A. Odete	Andrew Z. R. Marwa
202. South Mugirango	Joseph Sanganyi Omambia	Nimrods Mainye Nchogu
203. Bomachoge	Samson Wasonga Owitt	Sarah Nyaboke Keraro
204. Bobasi	Elizaphan Ager Kirowo	Wycliffe Mayaka Bwagani
205. Nyaribari Masaba	Haezron J. Saggia	Charles Obwaya
206. Nyaribari Chache	Thomas Okanga Asungu	Joshua M. Nyakundi
207. Kitutu Chache	Simon Wambura Monanka	John Onyoni Ombasa
208. Kitutu Masaba	George Paul Owoko	Joseph Ondara Kemeche
209. West Mugirango	Fredrick Otieno Awino	Lumumba Tai
210. North Mugirango Borabu	Evans Ochieng Ogunyo	Nyamache N. Ngare
		Thomas O. Matokte

Dated the 23rd October, 2007.

S. M. KIVUITU,
Chairman,
Electoral Commission of
Kenya.

APPENDIX 3

Salaries & Remuneration
Commission
Rewarding productivity

Ref. No. SRC/TS/24 /5(96)

31st July, 2023

Dr. Nancy Macharia, CBS
Commission Secretary/CEO
Teachers Service Commission
TSC House
NAIROBI.

Dear *Do. Macharia,*

ADVICE ON THE THIRD REMUNERATION AND BENEFITS CYCLE FOR THE TEACHING SERVICE

Reference is made to your letters Ref. No. CS/TSC/46/VOL. VII dated 29th May, 2023 and Ref. No. CS/TSC/46/VOL. VII dated 7th July, 2023 and the Salaries and Remuneration Commission (SRC) vide letter Ref. No. SRC/TS/TSC/3/35/2 VOL. IV (49) dated 17th June, 2021 on the above subject.

SRC deliberated on the matter during its 548th meeting held on 25th July, 2023 by considering affordability, fiscal sustainability, existing Government policies and guidelines among other factors that guide the determination of remuneration and benefits in the public sector. Consequently, the Commission advises the Teachers Service Commission (TSC) to negotiate with teachers' Trade Unions on the Collective Bargaining Agreements for teachers for the period 2021 - 2025 within the following parameters:

- (a) **Basic Salary:** To be paid within the parameters shown in **Table 1** with effect from 1st July, 2023 based on a budget allocation of up to **KSh 6,349,669,571** and **Table 2** with effect from 1st July, 2024 based on a budget allocation of up to **KSh 6,349,386,993**. The basic salary to be within the annual basic salary progression provided in **Table 3** and **Table 4**;
- (b) **House Allowance:** To be paid within parameters shown in **Table 5** with effect from 1st July, 2023 based on a budget allocation of up to **KSh 3,231,643,374** and **Table 6** with effect from 1st July, 2024 based on a budget allocation of up to **KSh 5,698,070,826**;
- (c) **Commuter Allowance:** To be retained at current rates; and
- (d) **Other Remunerative items:** To be paid as advised by SRC vide letter Ref. No. SRC/TS/TSC/3/35/2 VOL. IV (49) dated 17th June, 2021 (**copy attached**).

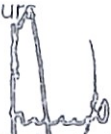
SRC guides that future review of remuneration and benefits structures in CBAs will consider the principle of affordability and fiscal sustainability, and progressively be aligned to the obtaining policy on remuneration and benefits structures in the Public Service.

Further, SRC advises TSC to submit copies of the draft CBAs to SRC for issuance of clearance letters to facilitate registration at the Employment and Labour Relations Court TSC, once the negotiations are concluded within the parameters provided herein.

The purpose of this letter therefore, is to convey SRC's advice on the matter, for your necessary action.

The Commission appreciates your continued cooperation and support as we discharge our respective mandates.

Yours



Mrs. Anne R. Gitau, MBS
COMMISSION SECRETARY/CEO

Copy to: Dr. Chris Kiptoo, CBS
Principal Secretary
The National Treasury
NAIROBI.

Ms. Nancy Gathungu
Auditor General
Office of Auditor General
Anniversary Towers, University Way
NAIROBI.

CPA Dr. Margaret N. Nyakang'o
Controller of Budget
Office of Controller of Budget
Bima House, Harambee Avenue
NAIROBI.

Table 1: Basic Salary Structure for Teachers in FY 2023/24 with effect from 1st July, 2023 (KSh)

Job Grade	Minimum	Maximum
D5	131,380	159,534
D4	118,242	143,581
D3	105,182	127,069
D2	91,601	110,551
D1	78,625	95,101
C5	62,272	78,667
C4	52,308	67,220
C3	44,412	56,514
C2	36,621	45,776
C1	28,491	35,614
B5	22,793	28,491

Table 2: Basic Salary Structure for Teachers in FY 2024/25 with effect from 1st July, 2024 (KSh)

Job Grade	Minimum	Maximum
D5	131,380	162,539
D4	118,242	146,286
D3	106,043	129,463
D2	92,496	112,633
D1	78,625	96,381
C5	62,272	79,651
C4	52,308	68,857
C3	45,671	59,084
C2	38,286	47,858
C1	29,787	37,234
B5	23,830	29,787

Table 3: Annual Basic Salary Progression for Teachers in FY 2023/2024

Job Grade	Basic Salary Annual Notches (KSh)						
	Year 0	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6
D5	131,380	135,747	140,238	144,859	149,612	154,502	159,534
D4	118,242	122,172	126,214	130,373	134,651	139,053	143,581
D3	105,182	108,571	112,058	115,649	119,346	123,151	127,069
D2	91,601	94,533	97,552	100,661	103,861	107,157	110,551
D1	78,625	81,128	83,755	86,458	89,240	92,119	95,101
C5	62,272	64,770	67,356	70,036	72,812	75,687	78,667
C4	52,308	54,584	56,947	59,387	61,909	64,527	67,220
C3	44,412	46,645	48,966	51,383	53,896	56,514	-
C2	36,621	38,299	40,051	41,879	43,786	45,776	-
C1	28,491	29,797	31,160	32,581	34,065	35,614	-
B5	22,793	23,838	24,927	26,065	27,252	28,491	-

Table 4: Annual Basic Salary Progression for Teachers in FY 2024/2025

Job Grade	Basic Salary Annual Notches (KSh)						
	Year 0	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6
D5	131,380	136,248	141,240	146,362	151,616	157,007	162,539
D4	118,242	122,623	127,116	131,726	136,454	141,307	146,286
D3	106,043	109,687	113,430	117,276	121,228	125,289	129,463
D2	92,496	95,627	98,843	102,150	105,548	109,042	112,633
D1	78,625	81,392	84,232	87,148	90,144	93,221	96,381
C5	62,272	64,934	67,684	70,528	73,467	76,507	79,651
C4	52,308	54,869	57,504	60,218	63,013	65,893	68,857
C3	45,671	48,166	50,750	53,428	56,204	59,084	-
C2	38,286	40,048	41,884	43,794	45,785	47,858	-
C1	29,787	31,158	32,585	34,072	35,620	37,234	-
B5	23,830	24,926	26,068	27,258	28,496	29,787	-

Table 5: House Allowance for Teachers in FY 2023/24 with effect from 1st July, 2023 (KSh)

Job Grade	Cluster 1	Cluster 2	Cluster 3	Cluster 4
D5	50,000	35,000	25,000	21,508
D4	50,000	35,000	25,000	21,508
D3	45,000	28,000	21,000	18,066
D2	45,000	28,000	21,000	18,066
D1	45,000	28,000	21,000	18,066
C5	35,000	25,500	18,000	16,184
C4	28,000	22,000	16,500	14,055
C3	28,000	22,000	16,500	14,055
C2	16,500	12,800	9,600	8,133
C1	10,000	7,500	5,800	5,000
B5	6,750	4,500	3,850	3,850

Table 6: House Allowance for Teachers in FY 2024/25 with effect from 1st July, 2024 (KSh)

Job Group	Cluster 1	Cluster 2	Cluster 3	Cluster 4
D5	50,000	35,000	25,000	25,000
D4	50,000	35,000	25,000	25,000
D3	45,000	28,000	21,000	21,000
D2	45,000	28,000	21,000	21,000
D1	45,000	28,000	21,000	21,000
C5	35,000	25,500	18,000	18,000
C4	28,000	22,000	16,500	16,500
C3	28,000	22,000	16,500	16,500
C2	16,500	12,800	9,600	9,600
C1	10,000	7,500	5,800	5,800
B5	6,750	4,500	3,850	3,850

Note:

Cluster 1: Nairobi City

Cluster 2: Mombasa, Kisumu and Nakuru cities, Nyeri, Eldoret, Thika, Kisii, Malindi and Kitale municipalities.

Cluster 3: Other Former municipalities

Cluster 4: All other areas