

**THE CONSTITUTION OF KENYA (AMENDMENT)
(No. 2) ACT, 1966**

No. 17 of 1966

Date of Assent: 30th April 1966

Date of Commencement: 30th April 1966

An Act of Parliament to amend the Constitution, and for matters incidental thereto and connected therewith

ENACTED by the Parliament of Kenya, as follows:—

1. (1) This Act may be cited as the Constitution of Kenya (Amendment) (No. 2) Act, 1966.

Short title and construction.

(2) This Act shall be read and construed as one with the Constitution, in so far as it makes amendments to that Constitution.

2. (1) In this Act, unless the context otherwise requires, "the Constitution" means the Constitution of the Republic of Kenya contained in Schedule 2 of the Kenya Independence Order in Council 1963, as amended by the Constitution of Kenya (Amendment) Act, 1964, the Constitution of Kenya (Amendment) (No. 2) Act, 1964, the Constitution of Kenya (Amendment) Act, 1965, and the Constitution of Kenya (Amendment) Act, 1966.

Interpretation.
L.N. 718/1963.
28 of 1964.
38 of 1964.
14 of 1965.
16 of 1966.

(2) Save where the context otherwise requires, expressions used in this Act have the same meaning as in the Constitution and the provisions of section 247 of the Constitution shall apply for the purposes of interpreting this Act as they apply for the purposes of interpreting the Constitution.

3. The Constitution shall be amended by inserting therein immediately after section 42 a new section as follows—

Vacation of seat in National Assembly upon resignation from party.

42A. (1) A member of either House of the National Assembly who, having at his election stood with the support of or as a supporter of a political party, either—

(a) resigns from that party at a time when that party is a parliamentary party; or

(b) having after the dissolution of that party been a member of another parliamentary party, resigns from that other party at a time when that other party is a parliamentary party,

shall vacate his seat in that House at the expiration of the session then in being or if Parliament is not in session then at the expiration of the session next following, unless in the meantime that party of which he was last a member has ceased to exist as a parliamentary party or he has resigned his seat:

Provided that this section shall not apply to any member who is elected a Speaker of either House.

(2) For the purposes of this section and of section 50 of this Constitution any question as to whether a political party is or is not at any time a parliamentary party in either House of the National Assembly, or as to whether a specially elected member of the House of Representatives stood at his election with the support of a political party, shall be determined by the Speaker of that House, and a certificate under the hand of the Speaker of that House shall be conclusive.