THE CONSTITUTION OF KENYA (AMENDMENT) ACT, 1982

No. 7 of 1982

Date of Assent: 17th June, 1982

Date of Commencement: 25th June, 1982

An Act of Parliament to amend the Constitution

ENACTED by the Parliament of Kenya as follows:—

1. This Act may be cited as the Constitution of Kenya (Amendment) Act, 1982.

2. The Constitution is amended by inserting in Chapter I thereof the following new section—

2A. There shall be in Kenya only one political party, the Kenya African National Union.

3. Section 5 of the Constitution is amended—

(a) by deleting paragraphs (a) and (e) of subsection (3) and substituting the following new paragraphs respectively—

(a) every candidate for President shall be a member of the Kenya African National Union and shall be nominated by that party in the manner prescribed by or under an Act of Parliament;

(e) in every constituency in which a poll is required to be taken both for the election of a President and for the election of a member of the National Assembly separate polls shall be taken;

(b) in paragraph (a) of subsection (5) by deleting "a political party" and inserting "the Kenya African National Union".
4. Section 22 of the Constitution is repealed and replaced by the following—

22. (1) There shall be a Chief Secretary who shall be head of the public service and who shall exercise supervision of the Office of the President and general supervision and co-ordination of all departments of Government.

(2) Where the Vice-President or any other Minister has been charged with responsibility for a department of Government, he shall exercise general direction and control over that department, and, subject to that direction and control, every department of Government shall be under the supervision of a permanent secretary whose office shall be an office in the public service.

(3) Two or more Government departments may be placed under the direct supervision of the Chief Secretary or of a permanent secretary, and one Government department may be placed under the supervision of the Chief Secretary and one or more permanent secretaries or of two or more permanent secretaries.

5. Section 34 of the Constitution is amended by deleting paragraph (d) and inserting the following—

(d) he is a member of the Kenya African National Union and is nominated by that party in the manner prescribed by or under an Act of Parliament.

6. Section 39 of the Constitution is amended in subsection (1) by relettering paragraphs (b) and (c) as (c) and (d) respectively and inserting the following new paragraph—

(b) he has ceased to be a member of the Kenya African National Union;

7. Section 40 of the Constitution is repealed.

8. Sections 107 (4) (d) and 111 (1) of the Constitution are amended by inserting immediately before “Permanent Secretary” in each case the expression “Chief Secretary.”

9. Section 123 of the Constitution is amended by deleting the definition of “political party”.

Amendment to section 22.

Amendment to section 34.

Amendment to section 39.

Repeal of section 40.

Amendments to sections 107 and 111.

Amendment to section 123.