

**THE CONSTITUTION OF KENYA (AMENDMENT)
(No. 2) ACT, 1991**

No. 12 of 1991

Date of Assent: 17th December, 1991

Date of Commencement: 20th December, 1991

An Act of Parliament to amend the Constitution

ENACTED by the Parliament of Kenya as follows:—

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| <p>1. This Act may be cited as the Constitution of Kenya (Amendment) (No. 2) Act, 1991.</p> | <p>Short title.</p> |
| <p>2. The Constitution is amended by repealing section 2A.</p> | <p>Repeal of section 2A.</p> |
| <p>3. Section 5 of the Constitution is amended—</p> <p>(a) by deleting paragraph (a) of subsection (3) and inserting the following new paragraph—</p> <p style="padding-left: 40px;">(a) one candidate for President shall be nominated, in such manner as may be prescribed by or under an Act of Parliament, by each political party taking part in the general election;</p> <p>(b) in subsection (5) by deleting paragraph (a) and inserting the following new paragraph—</p> <p style="padding-left: 40px;">(a) every candidate for President shall be nominated by a political party in the manner prescribed by or under an Act of Parliament from amongst the elected members of the National Assembly.</p> | <p>Amendment of section 5.</p> |
| <p>4. Section 34 of the Constitution is amended by deleting paragraph (d) and inserting the following new paragraph—</p> <p style="padding-left: 40px;">(d) he is nominated by a political party in the manner prescribed by or under an Act of Parliament.</p> | <p>Amendment of section 34.</p> |
| <p>5. Section 39 of the Constitution is amended by deleting paragraph (b).</p> | <p>Amendment of section 39.</p> |

Insertion of
new section
40.

6. The Constitution is amended by inserting the following new section 40—

Vacation of
seat in
National
Assembly
upon
resignation
from party.

40. A member of the National Assembly who, having stood at his election as an elected member with the support of or as a supporter of a political party, or having accepted appointment as a nominated member 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 forthwith 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 subsection shall not apply to any member who is elected as Speaker.

Amendment of
section 123.

7. Section 123 of the Constitution is amended by inserting the following definition in its proper alphabetical sequence—

“political party” means a political party which is duly registered under any law which requires political parties to be registered, and which has complied with the requirements of any law as to the constitution or rules of political parties nominating candidates for the National Assembly.