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NO. 11 OF 2013

NATIONAL HONOURS ACT
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NO. 11 OF 2013**NATIONAL HONOURS ACT**

[Date of assent: 14th January, 2013.]

[Date of commencement: 25th January, 2013.]

An Act of Parliament to give effect to and establish procedures and mechanisms for conferring of national honours by the President under Article 132(4)(c) of the Constitution and for connected purposes

[Act No. 11 of 2013, Act No. 18 of 2014.]

1. Short title

This Act may be cited as the National Honours Act, 2013.

2. Interpretation

(1) In this Act, unless the context otherwise requires—

“**Cabinet Secretary**” means the Cabinet Secretary responsible for national heritage;

“**national honour**” means an official recognition, decoration, status or award conferred by the President in terms of Article 132(4)(c) of the Constitution;

“**Judiciary Honours Advisory Committee**” means the Judiciary Honours Advisory Committee established under section 7;

“**National and County Governments Honours Advisory Committee**” means the National and County Governments Honours Advisory Committee established under section 5;

“**Parliamentary Honours Advisory Committee**” means the Parliamentary Honours Advisory Committee established under section 6.

(2) For the avoidance of doubt, the provisions of this Act shall be construed without prejudice to the powers of the President under Article 132(4)(c) of the Constitution to confer honours in the name of the people and the Republic.

[Act No. 18 of 2014, Sch.]

3. Conferment of national honours by the President

(1) The President may, pursuant to Article 132(4)(c) of the Constitution, confer national honours in the name of the people and the Republic on—

- (a) an individual; or
- (b) a body, unit, association of persons or a corporation.

(2) The President shall confer national honours under sub-section (1) on a national day, or at such other times as the President may consider appropriate.

(3) The President shall confer national honours under sub-section (1) after taking into account the recommendations of—

- (a) the National and County Governments Honours Advisory Committee established under section 5 where a national honour is to be conferred on a State or public officer serving in the national government or a county government;

- (b) the Parliamentary Honours Advisory Committee established under section 6 where a national honour is to be conferred on a Member of Parliament, a former Member of Parliament, a public officer serving in the Parliamentary Service or a State or public officer serving in an independent commission or office;
- (c) the Judiciary Honours Advisory Committee established under section 7 where a national honour is to be conferred on a judge, a judicial officer, a former judge or former judicial officer or a member of the staff of the judiciary.

4. Persons on whom national honours to be conferred

A person shall merit the conferment of a national honour if the person is—

- (a) a person who exhibited or exhibits exemplary qualities, actions or achievements of heroism, sacrifice, bravery, patriotism or leadership for the defence, benefit or betterment of the country or a county;
- (b) a person who has made an exemplary contribution to the country or a county in the economic, social, scientific, academic, public administration, governance, sports, journalism, business, security or other fields;
- (c) a State officer or public officer who has made an exemplary contribution to the betterment of the national or county governments, the executive, the judiciary, the legislature, an independent commission or an independent office;
- (d) a person who has otherwise brought honour, glory or pride to the Republic.

5. National and County Governments Honours Advisory Committee

There is established a National and County Governments Honours Advisory Committee which shall comprise—

- (a) the Deputy President who shall be the chairperson;
- (b) the Cabinet Secretary responsible for national heritage;
- (c) the Cabinet Secretary responsible for public service;
- (d) two Governors elected by the Council of County Governors;
- (e) the chairperson of the Public Service Commission; and
- (f) a chairperson of a County Public Service Board elected by the Council of County Governors.

6. Parliamentary Honours Advisory Committee

(1) There is established a Parliamentary Honours Advisory Committee which shall comprise—

- (a) the Speaker of the National Assembly;
- (b) the Speaker of the Senate;
- (c) the Clerk of the National Assembly;
- (d) the Clerk of the Senate;
- (e) the vice-chairperson of the Parliamentary Service Commission;

- (f) a commissioner of the Parliamentary Service Commission appointed under Article 127(2)(c) of the Constitution;
- (g) a commissioner of the Parliamentary Service Commission appointed under Article 127(2)(d) of the Constitution;
- (h) the Leader of the Majority Party; and
- (i) the Leader of the Minority Party.

(2) The Committee shall be jointly chaired by the Speaker of the National Assembly and the Speaker of the Senate.

7. Judiciary Honours Advisory Committee

There is established a Judiciary Honours Advisory Committee which shall comprise—

- (a) the Chief Justice who shall be the chairperson of the Committee;
- (b) the President of the Court of the Appeal;
- (c) the Principal Judge of the High Court;
- (d) a magistrate who is a member of the Judicial Service Commission under Article 172(2)(d);
- (e) a member of the Judicial Service Commission appointed under Article 171(2)(f); and
- (f) the Chief Registrar of the judiciary.

8. Functions of Advisory Committees

(1) An Advisory Committee established under sections 5, 6 and 7 shall—

- (a) receive and consider representations from any person, body, unit, association of persons or corporation recommending a person for the conferment of a national honour under this Act;
- (b) recommend to the President, on its motion or on a representation under paragraph (a), persons, bodies, units, associations of persons or corporations that may be considered for conferment of a national honour under section 3;
- (c) advise the President on the suitability or otherwise of a person, body, unit, association of persons or corporation that is proposed for conferment of a national honour under section 3;
- (d) propose to the President the types, classes or categories of national honours that should be conferred;
- (e) advise the President on the classes or categories of persons, bodies, units, associations of persons or corporations on whom national honours should be conferred;
- (f) advise the President on the type, category or class of a national honour that should be conferred on a person, body, unit, association of persons or corporation; and
- (g) perform any other function that may be conferred on it by this Act or any other legislation or that it may consider necessary or appropriate.

(2) Where an Advisory Committee proposes the conferment of a national honour on a person, body, unit, association of persons or corporation, the Committee shall, prior to forwarding its proposal to the President—

- (a) publish its proposal in at least two daily newspapers of national circulation, inviting the public to present any views on or objections to the proposal to the Committee; and
- (b) take into account the views or objections of the public in making its proposals to the President.

(3) The Committee may, in the performance of its functions, consult with such other persons or bodies as may be necessary.

(4) A decision of an Advisory Committee shall be made by consensus but where there is no consensus, a decision shall be made by a majority of all the members of the Advisory Committee.

(5) An Advisory Committee may meet and transact business notwithstanding a vacancy in the membership of the Advisory Committee.

9. Register of national honours

The Cabinet Secretary shall keep and maintain a register of national honours consisting of the names of all the recipients of national honours which shall be available for inspection by the public.

10. Amendment, suspension and revocation of national honours

The President may, on the advice of an Advisory Committee, by notice in the *Gazette*—

- (a) amend a national honour;
- (b) suspend a national honour;
- (c) revoke a national honour where a person acts in a manner that is inconsistent with the honour; or
- (d) restore a revoked national honour.

11. Posthumous national honours

A national honour may be conferred, amended, suspended, revoked or restored posthumously.

12. Unauthorized use of insignia, etc.

A person who—

- (a) without lawful authority uses or wears a certificate, insignia, medal or other decoration issued and conferred as a national honour under this Act;
- (b) falsely represents himself or herself to be the person upon whom a national honour was conferred; or
- (c) without lawful authority provides or offers to provide a national honour conferred under this Act to a person not authorized to use or wear the same;

commits an offence and is liable, on conviction, to a fine not exceeding five hundred thousand shillings or to a term of imprisonment not exceeding six months, or to both.

13. Offence in connection with unlawful procurement of national honour

(1) A person who—

- (a) receives or solicits, or agrees to receive or solicit, a benefit as an inducement or reward for procuring or assisting in the procurement of a national honour under this Act; or
- (b) gives or offers, or agrees to give or offer, a benefit as an inducement or reward for procuring or assisting in the procurement of a national honour under this Act;

commits an offence and is liable, on conviction, to a fine not exceeding one million shillings or a term of imprisonment not exceeding ten years, or to both.

14. Regulations

(1) The Cabinet Secretary may make Regulations for the better carrying out of the provisions of this Act.

(2) Without prejudice to the generality of sub-section (1), the Cabinet Secretary may make Regulations providing for—

- (a) the types, categories or classes of national honours which the President may confer;
- (b) the precedence to be accorded to different national honours and different ranks of national honours;
- (c) limiting the number of persons who may, from time to time, be conferred with a particular national honour;
- (d) specify the designation which the recipient of a national honour shall be entitled to use and the abbreviations by which reference may be made to such designation;
- (e) prescribe the insignia by which a national honour is to be distinguished;
- (f) provide for the manner in which a national honour may be amended or revoked;
- (g) prescribe the privileges or benefits that shall attach to a national honour; and
- (h) provide for the honours and awards, if any, that may be conferred on non-citizens.

(3) Regulations made under sub-section (2) shall be tabled and approved by both Houses of Parliament before they take effect.

15. Transition

(1) A person who held a national honour conferred by the President prior to the commencement of this Act shall, on the commencement of this Act, continue to hold the honour under this Act.

(2) Notwithstanding any other provision of this Act, until the Regulations contemplated by section 14 are made, the President may confer national honours of the types, categories or classes existing prior to commencement of this Act and the procedures applicable to such conferment shall continue to apply.

[Act No. 18 of 2014, Sch.]
