



OFFICE OF THE PRESIDENT

PERMANENT SECRETARY, SECRETARY TO THE CABINET
AND HEAD OF THE PUBLIC SERVICE

Telegraphic Address: "Ezili"

Telephone: Nairobi 227411

When replying please quote

P.O. Box 62345

NAIROBI

Ref. No. ...OP.9/1A.....

Date: 18th July, 2005.....

All Permanent Secretaries


APPOINTMENT AND TRANSFER OF CHIEF EXECUTIVE OFFICERS AND OTHER SENIOR EMPLOYEES OF STATE CORPORATIONS

It has come to the attention of this office that some ministries are not following the laid down procedures in regard to appointment and deployment of senior officers from one state corporation to another and particularly in by-passing the Board of Directors of state corporations.

The power to recruit staff of state corporations including the chief executive is vested with the Board of Directors of the state corporations as provided for by both Section 5(3) of the State Corporations Act and Regulation 4(2)(b) of the State Corporations (Performance Contracting) Regulations, 2004. Where in exceptional cases appointment or transfer of officers of state corporations is extremely necessary, such appointment or transfer shall be made only through this office and on the advice of the State Corporations Advisory Committee as provided for under Section 27(1)(c) of the State Corporations Act.

Following the introduction of performance contracts in the management of state corporations, application of good corporate governance principles is inevitable and paramount if state corporations are to achieve the targets set in their performance contracts. It is therefore reiterated that Boards of state corporations should be allowed to operate with some degree of autonomy and independence and be responsible for appointing their staff competitively

including the Chief Executive officer as per this office circular letter Ref. OP.CAB.9/1A of 5th November 2004.



Amb. Francis K. Muthaura, EGH
PERMANENT SECRETARY/SECRETARY TO THE
CABINET AND HEAD OF THE PUBLIC SERVICE

c.c.

Mr. Simon P. Njau, CBS
Chairman,
Performance Contracting Steering Committee,
Office of the President,
NAIROBI.

Mr. E.M. Ngigi,
Ag. Inspector-General (Corporations),
Office of the President,
NAIROBI.

Mr. Richard O. Wa-Mwenje, HSC
Secretary,
State Corporations Advisory Committee,
Cabinet Office,
NAIROBI.