



**THE PRESIDENCY**  
EXECUTIVE OFFICE OF THE PRESIDENT  
CHIEF OF STAFF AND HEAD OF PUBLIC SERVICE

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NAIROBI, KENYA

OP.CAB/39A

17<sup>th</sup> June, 2014

Ref:.....

Date:.....

All Principal Secretaries/Accounting Officers (With sufficient copies to Chief Executive Officers of State Corporations)

The Controller of Budget

The Auditor-General, Kenya National Audit Office

The Clerk, National Assembly

Chief Registrar of the Judiciary

The Secretary, Public Service Commission

The Director General, National Intelligence Service

The Secretary, Teachers Service Commission

All County Commissioners

*(with sufficient copies to District Commissioners)*

**REF: CLAIMS AGAINST THE GOVERNMENT AND GOVERNMENT INSTITUTIONS**

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It has come to the attention of this office that there are several claims pending against the government which can expose the government to huge financial liability. We are faced with cases where the office of the Attorney General is belatedly engaged after matters are concluded and judgment issued.

I wish to remind all ministries, departments, parastatals and statutory bodies, commissions and other government institutions that under Article 156 of the Constitution, the Attorney General as the principal legal advisor to government has the responsibility to advise the government on all matters of civil nature. The Attorney General must, therefore, be notified and consulted in all civil claims.

Further the National Treasury must also be notified and consulted in all claims with financial implication to avoid pressure on the national budget and disruption of implementation of public government programmes. I refer you to two circulars issued by the National Treasury on "Miscellaneous Compensation and Ex-Gratia Payments" Ref. No. EFN 87/036 Vol. XXIV dated 19<sup>th</sup> August, 2009 and "Expenditures on Court Awards" Ref. ZZ 81/011 dated 10<sup>th</sup> September, 2010.

Any offices/institutions that do not follow the laid down procedure in regard to such payments will be held accountable.



**JOSEPH K. KINYUA, CBS**  
**CHIEF OF STAFF AND HEAD OF PUBLIC SERVICE**

cc: **Hon. Githu Muigai, SC**  
Attorney General  
Attorney General's Office and Department of Justice  
**NAIROBI**

**Mr. Henry Rotich**  
Cabinet Secretary  
National Treasury  
**NAIROBI**

**Agnes Odhiambo (Mrs)**  
Controller of Budget  
Bima House  
**NAIROBI**

**Dr. Edward R. O. Ouko**  
Auditor General  
Kenya National Audit Office  
**NAIROBI**