



Salaries & Remuneration  
Commission  
Rewarding productivity

## **PRESS RELEASE**

### **COURT OF APPEAL UPHOLDS SRC'S ADVICE ON HOUSE ALLOWANCE AND CAPPING OF SITTING ALLOWANCE FOR MEMBERS OF PARLIAMENT**

**Wednesday, 26 February 2025, Nairobi:** The Court of Appeal has upheld the Salaries and Remuneration Commission's (SRC) advice on house allowance and the capping of sitting allowance for Members of Parliament (MPs).

While dismissing the petition filed by the Parliamentary Service Commission (PARLSCOM), the court noted that the appeal had been compromised by the recovery, over a period of one year, of monies paid to MPs for house allowance, in compliance with a High Court order, and that SRC had, subsequent to filing of the appeal, set both house and sitting allowances in consultation with PARLSCOM.

The dispute arose after PARLSCOM unilaterally decided to pay each MP a house allowance at Ksh 250,000 per month, and further objected to the capping of sitting allowance, disregarding the established remuneration and benefits structure for State officers, which is exclusively vested in SRC.

The judgement by the appeals court maintains that PARLSCOM acted outside its constitutional mandate by approving house allowance for MPs without SRC's approval, declaring such actions unconstitutional.

Further, PARLSCOM had accused SRC of overstepping its mandate by attempting to control the number of sittings that MPs could undertake, contending that SRC's actions were an infringement on its authority to manage parliamentary operations and remuneration.

The Court of Appeal noted: "...SRC has not capped the number of times committees can sit. It has capped the maximum allowances members can earn each month as house committee sitting allowance. Which means while the number of committee meetings members can attend are not capped, they cannot earn more in sitting allowances than prescribed by the SRC."

The court found that SRC acted within its constitutional authority, and its actions were justified by budgetary realities to ensure that all remuneration decisions adhere to constitutional guidelines, thereby, preventing unlawful public expenditures and promoting fiscal responsibility in the management of public funds.

The court's ruling, therefore, reaffirms SRC's exclusive authority to determine remuneration for State officers, thus, asserting SRC's constitutional role of managing the public wage bill.

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**Attached:** Appeals Court Judgement

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#### **About the Salaries and Remuneration Commission**

The Salaries and Remuneration Commission (SRC) is established under Chapter 12, Article 230 of the Constitution of Kenya, 2010. SRC's mandate is to: a) Set and regularly review the remuneration and benefits of all State officers; and, b) Advise the national and county governments on the remuneration and benefits of all other public officers.

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