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NATIONAL ASSEMBLY BILLS, 2020

NAIROBI, 8th June, 2020

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NATIONAL ASSEMBLY
DIRECTORATE OF LEGAL SERVICES
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THE SOCIAL ASSISTANCE (REPEAL) BILL, 2020

A Bill for

AN ACT of Parliament to repeal the Social Assistance Act

ENACTED by Parliament of Kenya, as follows—

1. This Act may be cited as the Social Assistance (Repeal) Act, 2020. Short title.

2. In this Act, unless the context otherwise requires— Interpretation.

"Board" means the Management Board of Authority established under section 5 of the repealed Act;

"Authority" means the National Social Assistance Authority established under section 3 of the repealed Act; and

"repealed Act" means the Social Assistance Act, 2013. No. 24 of 2013.

3. Subject to section 4, the Social Assistance Act, 2013 is hereby repealed. Repeal of No. 24 of 2013.

4. Despite section 3— Savings and Transitional provisions.

(a) any proceedings taken against or by or pending against the Authority or any other person immediately before the commencement of this Act may be continued by or against the Authority:

Provided that criminal proceedings shall be regarded as pending if the person concerned had pleaded to the charge in question;

(b) any administrative investigation or inquiry instituted in terms of the repealed Act which was pending before the repeal of the Act shall be continued or disposed of;

(c) any disciplinary proceedings which immediately before the repeal of the Act was pending shall be continued until conclusion or termination;

(d) any appeal process, which immediately before the repeal of the Act was pending, shall proceed to the conclusion or termination;

(e) the persons employed by the Authority may be re-deployed by the Public Service Commission or compensated in terms of conditions of employment;

(f) any contract subsisting between the Authority and another person before the repeal of the Act shall continue to exist to its conclusion or termination; and

(g) the Board established by the repealed Act shall cease to exist within thirty days from the date of commencement of this Act.

MEMORANDUM OF OBJECTS AND REASONS

Statement of the Objects and Reasons for the Bill

The principal object of this Bill is to repeal the Social Assistance Act, No. 24 of 2013 in order to enable the enactment and operationalization of the Public Finance Management (Social Assistance Fund) Regulations made under the Public Finance Management Act, No. 18 of 2012.

Statement on the delegation of legislative powers and limitation of fundamental rights and freedoms

This Bill does not delegate legislative powers nor does it limit fundamental rights and freedoms.

Statement of how the Bill concerns county governments

The Bill does not concern county governments in terms of Article 109(5) of the Constitution as it does not contain provisions that affect the functions and powers of the county governments as set out in the Fourth Schedule to the Constitution.

Social security is a function of the national government as provided in Part 1 of the Fourth Schedule to the Constitution.

Statement as to whether the Bill is a money Bill within the meaning of Article 114 of the Constitution

The enactment of this Bill shall not occasion additional expenditure of public funds.

Dated the 27th May, 2020.

ADEN DUALE,
Leader of Majority Party.