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REPUBLIC OF KENYA

KENYA GAZETTE SUPPLEMENT

BILLS, 2009

NAIROBI, 25th September, 2009

CONTENT

Bill for Introduction into the National Assembly-

The Anti-Corruption and Economic Crimes (Repeal) Bill, 2009.......... 645
A Bill for

AN ACT of Parliament to repeal the Anti-Corruption and Economic Crimes Act, 2003 and for connected purposes

ENACTED by the Parliament of Kenya, as follows-

Short title.
1. This Act may be cited as the Anti-Corruption and Economic Crimes (Repeal) Act, 2009 and shall come into operation on such date as the Minister for the time being responsible for matters relating to integrity and anti-corruption may appoint, which date shall not be later than sixty days from the date of publication.

Repeal of No. 3 of 2003.
2. The Anti-Corruption and Economic Crimes Act is repealed.

Transition.
3. The transitional provisions set out in the Schedule shall apply upon commencement of this Act.

SCHEDULE
TRANSITIONAL PROVISIONS (s.3)

Interpretation.
1. In this schedule-

“Advisory Board” means the Kenya Anti-Corruption Advisory Board established under Part III of the repealed Act;

“appointed day” means the day on which this Act shall come into operation;

“Commission” means the Kenya Anti-Corruption Commission established under Part III of the repealed Act; and

No. 3 of 2003.

Assets and liabilities.
2. (1) All the funds, assets and other property, both movable and immovable, which immediately before the appointed day were vested in the Commission shall by virtue of this paragraph and without further assurance, vest in the Government.

(2) All rights, powers, liabilities and duties, whether arising under any written law or otherwise, which immediately before the appointed day were vested in, imposed on or enforceable by or against the Commission shall by virtue of this paragraph, be transferred to, vested in, imposed on, or be enforceable by or against the Government.

(3) On and after the appointed day, all actions, suits or legal proceedings by or against the Commission may be continued or prosecuted by or against the Government and no such suit, action or legal proceedings shall abate or be affected by the coming into operation of this Act.

(4) Any reference in any written law or in any document or instrument to the Commission shall, on and after the appointed day, be construed to be a reference to the Attorney-General.

Staff and other officers.
3. (1) A person who immediately before the appointed day served as a member of the Commission, a member of the Advisory Board or a member of staff of the Commission shall cease to be such member or member of staff on the appointed day.

(2) A person who was a member of staff of the Commission immediately before the appointed day shall be redeployed in the public service.

MEMORANDUM OF OBJECTS AND REASONS

This Bill proposes to repeal the Anti-Corruption and Economic Crimes Act, 2003 and thus bring to an end the existence of the Kenya Anti-Corruption Commission and the Kenya Anti-Corruption Advisory Board. It provides some transitional mechanisms pertaining to various aspects of the Commission and the Advisory Board. It provides inter alia that, upon coming into operation, the funds, assets, and property being held by the Commission will revert to the Government. Similarly, the rights, powers and liabilities which were vested in, imposed on or enforceable by or against the Commission shall be transferred to, vested in, imposed on, or be enforceable by or against the Government. In this respect, it also provides that all suits and other legal proceedings by or against
the Commission shall not abate by virtue of this Bill being enacted into an Act but will be continued or prosecuted by or against the Government.

The Bill provides for deployment of members of staff of the Commission in the public service.

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

Dated the 11th September, 2009.

DANSON MUNGATANA,
Member of Parliament.