

SPECIAL ISSUE

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NATIONAL ASSEMBLY BILLS, 2013

NAIROBI, 22nd July, 2013

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**THE TRUTH, JUSTICE AND RECONCILIATION
(AMENDMENT) BILL, 2013**

A Bill for

AN ACT of Parliament to amend the Truth, Justice and Reconciliation Act, 2008

ENACTED by the Parliament of Kenya, as follows—

1. (1) This Act may be cited as the Truth, Justice and Reconciliation (Amendment) Act, 2013.

Short title and commencement.

(2) This Act shall be deemed to have come into operation on the 28th June, 2013.

2. The Truth, Justice and Reconciliation Act, 2008, in this Act referred to as “the principal Act”, is amended in section 2 by adding the words “and includes the Attorney-General” at the end of the definition of the word “Minister”.

Amendment of section 2 of No. 6 of 2008.

3. The principal Act is amended in section 48 by inserting the words “for consideration” immediately after the word “Parliament” appearing in subsection (4).

Amendment of section 48, No. 6 of 2008.

4. The principal Act is amended by deleting section 49 and substituting therefor the following new section—

Replacement of section 49 of No. 6 of 2008.

Implementation of Commissions Report.

49. (1) The Minister shall, upon the consideration of the report of the Commission by the National Assembly, set in motion a mechanism to monitor the implementation of the report in accordance with recommendations of the National Assembly.

(2) The Minister shall cause the reports of the Government on the implementation to be published in the appropriate form for the public.

(3) Implementation of the report of the Commission shall commence immediately after consideration of the report by the National Assembly.

Amendment of
section 50 of
No. 6 of 2008.

5. The principal Act is amended in section 50 by deleting the words "of receipt of the report of the Commission" appearing in subsection (1) and substituting therefor the words "after the commencement of the implementation under Section 4(3)".

MEMORANDUM OF OBJECTS AND REASONS

The legislative proposal giving rise to this Bill has been submitted by the Attorney-General. The object of this Bill is to amend the Truth, Justice and Reconciliation Act to make provisions on the consideration of the report of the Commission by the National Assembly.

This Bill is not a Bill concerning county government and its enactment will not occasion additional expenditure of public funds.

Dated the 23rd July, 2013.

SAMUEL CHEPKONG'A,
*Chairperson,
Committee on Justice and Legal Affairs.*

The definition of the word "Minister" in section 2 of Act No. 6 of 2008 which it is proposed to amend -

"Minister" means the Minister responsible for matters relating to Justice and constitutional affairs;

Subsection 48(4) of Act No. 6 of 2008 which it is proposed to amend -

(4) The Minister shall table the report in Parliament within twenty one days after its publication.

Section 49 of Act No. 6 of 2008 which it is proposed to delete and substitute

49. (1) The Minister shall, upon the publication of the report of the Commission, operationalise the implementation mechanism or arrangement in accordance with the recommendations of the Commission under section 48(2)(f) to monitor the implementation of the recommendations of the Commission and to facilitate their implementation.

(2) The implementation committee shall publish the reports of the Government in the appropriate form and submit its own quarterly reports to the public evaluating the efforts of the Government and the efforts of any other person or body concerned to implement the recommendations of the Commission.

(3) Implementation of the report of the Commission shall commence within six months upon publication.

Section 50 of Act, No. 6 of 2008 which it is proposed to amend

50. (1) The Minister shall report to the National Assembly within three months of receipt of the report of the Commission, and twice a year thereafter, as to the implementation of the Commission's recommendations.

(2) All recommendations shall be implemented, and where the implementation of any recommendation has not been complied with, the National Assembly shall require the Minister to furnish it with reasons for non-implementation.