

SPECIAL ISSUE

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REPUBLIC OF KENYA

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NATIONAL ASSEMBLY BILLS, 2019

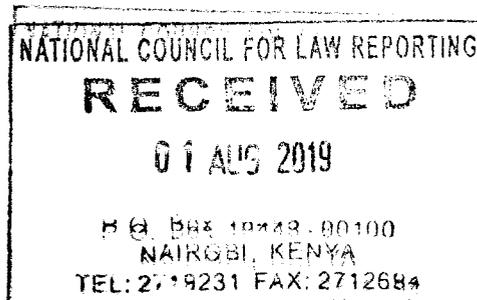
NAIROBI, 21st June, 2019

CONTENT

Bill for Introduction into the National Assembly—

PAGE

The Parliamentary Pensions (Amendment) Bill, 2019 715



**THE PARLIAMENTARY PENSIONS
(AMENDMENT) BILL, 2019**

A Bill for

**AN ACT of Parliament to amend the Parliamentary
Pensions Act**

ENACTED by the Parliament of Kenya, as follows—

1. This Act may be cited as the Parliamentary Pensions (Amendment) Act, 2019.

Short title.

2. The Parliamentary Pensions Act is amended in section 8 by inserting the following new subsection immediately after subsection (2)—

Amendment of section 8 of Cap. 196.

“(3) Notwithstanding subsection (2), a former Member of Parliament who, having served in Parliament between 1st July, 1984 and 1st January, 2001 and is entitled to pension under this section, and whose monthly pension amounts to less than one hundred thousand shillings, shall be entitled to a monthly pension of one hundred thousand shillings”.

MEMORANDUM OF OBJECTS AND REASONS

The principal object of this Bill is to amend the Parliamentary Pensions Act, Cap. 196. It proposes to raise the amount of pension due to former Members of Parliament who served between 1st July, 1984 and 1st January, 2001 to a minimum sum of Kenya Shillings one hundred thousand. This is in light of the fact that despite serving the nation, some former Members of Parliament are languishing in poverty and there is need to take care of their welfare.

These changes are in line with the recommendations of the Akiwumi Tribunal which was appointed in January 2009 by the Parliamentary Service Commission to review the terms and conditions of service of the Members and employees of Parliament. The Tribunal submitted its report on November 12, 2009 in which one of its recommendations was that the five hundred former Members of Parliament (whose number is currently about three hundred and seventy) be paid the equivalent of one thousand dollars each as living pension with effect from 1st July, 2010.

The Parliamentary Service Commission adopted the report in June 2010 and resolved that any of the said former Members of Parliament earning a monthly pension of less than one hundred thousand shillings should be paid a monthly pension of one hundred thousand shillings.

Clause 1 of the Bill provides for the short title.

Clause 2 of the Bill provides for the amendment to section 8 of the Act to provide that a former Member of Parliament who, having served in Parliament between 1st July, 1984 and 1st January, 2001 and is entitled to pension under this section, and whose monthly pension amounts to less than one hundred thousand shillings, shall be entitled to a monthly pension of one hundred thousand shillings.

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

The Bill does not delegate legislative powers to the Cabinet Secretary. It does not limit fundamental rights and freedoms.

Statement that the Bill concerns county governments

The Bill does not affect the functions of the county governments and is therefore not a Bill concerning counties for purposes of the Standing Orders.

Statement that the Bill is a money Bill within the meaning of Article 114 of the Constitution

The enactment of this Bill shall occasion additional expenditure of public funds.

Dated the 19th June, 2019.

JOHN MBADI NG'ONGO,
Member of Parliament.

Section 8 of the Parliamentary Pensions Act which it is proposed to amend-

Pensions to former members

(1) Subject to the provisions of this Act, a person shall after the date of commencement thereof be entitled to receive a pension under this section as from the time when the following conditions are fulfilled in respect of him—

- (a) he has ceased to be a member of the National Assembly by reason of the dissolution of Parliament; and
- (b) his aggregate period of reckonable service is two terms of Parliament; and
- (c) he has attained the age of forty-five years.

(2) The annual amount of pension payable to a person under this section shall be a sum equal to one three-hundredth of his pensionable emoluments for each completed month of his aggregate period of reckonable service: but if section 8(1) (b), (ii) applies, the annual amount of pension payable shall be reduced by five per cent for each complete year or part of a year by which his aggregate period of reckonable service is less than ten years.