

THE PENSIONS LAWS (AMENDMENT) ACT, 1985

No. 20 of 1985

*Date of Assent: 23rd December, 1985**Date of Commencement: Section 2(a)—14th August, 1985**Sections 2 (b) and 3—27th December, 1985**Section 4—1st July, 1985***An Act of Parliament to amend the Pensions Act and the Parliamentary Pensions Act, 1983**

ENACTED by the Parliament of Kenya as follows:—

1. (1) This Act may be cited as the Pensions Laws (Amendment) Act, 1985.

Short title
and
commencement.

(2) The amendments contained in section 2 (a) shall be deemed to have come into operation on the 14th August, 1985.

(3) The amendments contained in section 4 shall be deemed to have come into operation on the 1st July, 1984.

2. Section 6 (1) of the Pensions Act is amended—

Amendment
to section
6 of
Cap. 189.

(a) by deleting paragraph (a) and inserting the following—

(a) (i) in the case of a superscale officer, who between the 13th August, 1968 and 30th June, 1971, or in the case of an officer serving in Job Group L or above or a teacher in a comparable salary scale, who on or between the 1st July, 1971 and the 13th August, 1985, completes not less than ten years public service or attains the age of forty-five years within the period commencing on the 13th August, 1968 and ending on the 13th August, 1985;

(ii) in the case of an officer serving in Job Group L or above or a teacher in a comparable salary scale who on or between the 14th August, 1985 and the 13th August, 1990, completes not less than ten years service and, in addition, attains the age of forty-five years within the period commencing on the 14th August, 1985 and ending on the 13th August, 1990:

Provided that the application of the officer to retire from the public service shall be submitted and approved in accordance with the procedure outlined in Personnel Circular No. 19 of 13th August, 1968 as amended or replaced from time to time;

(iii) in any other case not falling within the succeeding paragraphs of this subsection, on or after attaining the age of fifty years.

(b) by deleting paragraph (h) and inserting the following—

(h) in the case of—

(i) police officers who are subordinate officers;

(ii) prison officers below the rank of chief warden, chief warden artisan or chief warden clerk;

(iii) administration police officers of or below the rank of senior sergeant; and

(iv) forest guards grades I, II, and III,

on the completion in the public service of a period exceeding twelve years but not exceeding twenty years where the officer gives at least one month's notice in writing of his intention to retire.

3. The Pensions Regulations contained in the First Schedule to the Pensions Act are amended by deleting paragraph (1) of regulation 26 and inserting the following—

(1) An officer who is—

(a) a subordinate officer within the meaning of the Police Act; or

(b) a prison officer below the rank of chief warden, chief warden artisan or chief warden clerk; or

(c) an administration police officer of or below the rank of senior sergeant; or

(d) a forest guard grade I, II, or III,

and who retires from the public service on completion of a period exceeding twelve years but not exceeding

twenty years may be granted at his option—

- Cap. 191. (i) if he retires voluntarily either a gratuity at the rate of one month's pay for each completed year of service or, if he is a depositor under the Provident Fund Act, the moneys to which he is entitled thereunder on retirement;
- (ii) if he retires compulsorily either of the benefits referred to in subparagraph (i) or a pension calculated in accordance with these Regulations.

4. The Parliamentary Pensions Act, 1983, is amended—

(a) in section 3 (1) by inserting the following definition in appropriate alphabetical sequence—

Amendment
to various
sections of
Act No. 4
of 1983.

“term of Parliament” means a period from the date when the National Assembly first meets after dissolution until the Assembly again stands dissolved; and if the life of Parliament is extended under section 59 (5) of the Constitution, for the purposes of this Act—

- (a) the period of five years from the date when the Assembly first meets after dissolution shall be one term of Parliament; and
- (b) the period of five years from the date when the Assembly first meets after dissolution until the Assembly again stands dissolved shall be a separate term of Parliament;
- (b) in section 7 (1), by inserting before the words “his aggregate period” the words “, if section 8 (1) (b) (ii) does not apply.”;
- (c) in section 8—
- (i) by repealing paragraph (b) of subsection (1) and inserting the following paragraph—
- (b) his aggregate period of reckonable service either—
- (i) is not less than ten years; or
- (ii) where he has been a member of the National Assembly for the whole or any part of two or more terms of Parliament, is five years or more but less than ten years; and

(ii) by inserting the following at the end of subsection (2)—

: but if section 8 (1) (b) (ii) applies, the annual amount of pension payable shall be reduced by five percent for each complete year or part of a year by which his aggregate period of reckonable service is less than ten years.

(d) in section 9—

(i) by repealing paragraph (a) and inserting the following paragraphs—

(a) where the member's aggregate period of reckonable service either—

(i) is not less than ten years; or

(ii) is less than ten years and section 8 (1) (b) (ii) applies,

grant a pension calculated in accordance with sections 13 and 14, notwithstanding that he has not attained the age of fifty years; and by inserting after the words "ten years" appearing in paragraph (b) the words "and section 8 (1) (b) (ii) does not apply".