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NAIROBI, 18th June, 2021

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THE ASIAN WIDOWS' AND ORPHANS' PENSIONS (REPEAL) BILL, 2021

ARRANGEMENT OF CLAUSES

Clause

1 — Short title.

2 — Interpretation.

3 — Repeal of Cap. 193.

4 — Transitional provisions.

THE ASIAN WIDOWS' AND ORPHANS' PENSIONS (REPEAL) BILL, 2021

A Bill for

AN ACT of Parliament to repeal the Asian Widows' and Orphans' Pensions Act; and for connected purposes

ENACTED by the Parliament of Kenya as follows—

1. This Act may be cited as the Asian Widows' and Orphans' Pensions (Repeal) Act, 2021. Short title.

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

"Fund" means the Asian Widows' and Orphans' Pensions Fund established under the repealed Act;

"Cabinet Secretary" means the Cabinet Secretary responsible for matters relating to finance; and

"repealed Act" means the Asian Widows' and Orphans' Pensions Act. Cap. 193.

3. The Asian Widows' and Orphans' Pensions Act is repealed. Repeal of Cap. 193.

4. Notwithstanding section 3— Transitional provisions.

(a) the Cabinet Secretary shall, before the winding up of the Fund, ascertain the status of claims against the Fund and, ensure that any outstanding claims are settled within one year of the coming into operation of this Act;

(b) the Cabinet Secretary shall, before the winding up of the Fund, ascertain the status of the claims by the Fund against any person and, ensure that any outstanding claims are settled and the proceeds therefrom paid into the Consolidated Fund;

(c) the term of the members of the Board of the Fund, in office immediately before the commencement of this Act, shall continue until the claims under paragraphs (a) and (b) have been determined or for a period of not more than one year after the commencement of this Act, whichever is later;

(d) the Cabinet Secretary shall, within one year of the coming into operation of this Act or upon the

determination of the claims under paragraphs (a) and (b), whichever is the later, wind up the Fund and pay the proceeds therefrom into the Consolidated Fund;

(e) the Cabinet Secretary shall, within one year of the coming into operation of this Act or upon the determination of the maters under paragraphs (a) and (b), whichever is the later, report to Parliament in accordance with section 24(9) of the Public Finance Management Act, 2012, on the winding up of the Fund and any other relevant matter. No. 18 of 2012.

MEMORANDUM OF OBJECTS AND REASONS

Statement of objects and reasons for the Bill

The principal object of the Bill is to repeal the Asian Widows' and Orphans' Pensions Act in light of the enactment of the Public Finance Management Act, 2012.

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

This Bill does not delegate legislative power or limit any fundamental rights or freedoms.

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 9th June, 2021.

AMOS KIMUNYA,
Leader of the Majority Party.