

SPECIAL ISSUE

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REPUBLIC OF KENYA

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NATIONAL ASSEMBLY BILLS, 2022

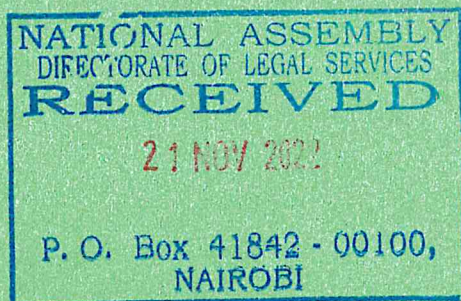
NAIROBI, 28th October, 2022

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THE PENSIONS (AMENDMENT) BILL, 2022**A Bill for****AN ACT of Parliament to amend the Pensions Act and for connected purposes****ENACTED** by the Parliament of Kenya, as follows—

1. This Act may be cited as the Pensions (Amendment) Act, 2022.

Short title.

2. The Pensions Act is amended in section 6 by inserting the following new subsection immediately after subsection (1)—

Amendment of section 6 of Cap. 189.

(1A) The pension under subsection (1) shall be paid within ninety days from the date such pension becomes payable.

MEMORANDUM OF OBJECTS AND REASONS

Statement of Objects and Reasons for the Bill

The principal object of the Bill is to amend the Pensions Act, *Cap. 189* to provide a timeline within which pension shall be payable to an officer.

The Bill seeks to remedy the delays experienced in payment of pension to pensioners upon maturity of pension funds.

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

The Bill does not delegate any legislative powers nor does it limit fundamental rights and freedoms.

Statement on how the Bill concerns county governments

The Bill concerns county governments in terms of Articles 110 (1) (a) of the Constitution.

Statement as to whether the Bill is a money Bill within the meaning of Article 114 of the Constitution

The Bill is not a money Bill for purposes of Article 114 of the Constitution. The enactment of this Bill shall not occasion additional expenditure of public funds.

Dated the 26th October, 2022.

DIDMUS WEKESA BARASA,
Member of Parliament.

Section 6 of Cap. 189 which it is proposed to amend—

(1) No pension, gratuity or other allowance shall be granted under this Act to any officer except on his retirement from the public service in one of the following cases—

Circumstances in which pensions may be granted.

(a)

(i) in the case of a super scale 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 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) where the officer completes not less than five years of pensionable service;

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

(v) in the case of transfer to other public service, in circumstances in which he is permitted by law or regulations of the service in which he is last employed to retire on pension or gratuity:

Provided that, if his service in that other public service is superannuated under the Egerton Agricultural College Retirement Benefits Scheme, which came into operation on 1st July, 1966, the Federated Superannuation System for Universities, or a similar insurance scheme, he has retired on one of the grounds mentioned in paragraphs (a), (c), (d), (e) and (f) of this section;

- (b) on the abolition of his office;
- (c) on compulsory retirement for the purpose of facilitating improvement in the Organization of the department to which he belongs, by which greater efficiency or economy may be effected;
- (d) on medical evidence, to the satisfaction of the President, that he is incapable by reason of any infirmity of mind or body of discharging the duties of his office and that the infirmity is likely to be permanent;
- (e) in the case of service under the Government, on termination of employment in the public interest as provided in this Act, or, in the case of transfer to other public service, on termination of employment in the public interest under a corresponding provision in any law or regulation relating to the grant of pensions in respect of public service;
- (f) on retirement in circumstances not mentioned in the preceding paragraphs of this section, rendering him eligible for a pension under the Governors' Pensions Act, 1957 of the United Kingdom or under any Act wholly repealed by that Act;
- (g) in the case of—
 - (i) police officers who are subordinate officers;
 - (ii) prison officers below the rank of chief warder, chief warder artisan or chief warder 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:

Provided that—

- (i) a gratuity may be granted to a female officer, in accordance with this Act, who resigns on or with a view to marriage or is required to retire on account of her marriage, notwithstanding that she is not otherwise eligible under this section for the grant of any pension, gratuity or other allowance;
- (ii) a pension, gratuity or other allowance may be granted in accordance with this Act to an officer on his retirement on or after the 1st January, 1946 from African District Council service or on his retirement on or after the 30th April, 1963 from local authority service to which he has been transferred, notwithstanding that there is no provision in that service for the retirement of the officer on pension or gratuity, if the circumstances in which the officer so retires are circumstances in which, had he remained in the service of the Government, he would have been eligible for a pension, gratuity or other allowance under this Act.

(2) For the purposes of paragraph (a)(i) of subsection (1)—

“Job Group L” means the salary scale of that designation set out in Personnel Circular No. 6 of 26th May, 1971 and any amendments or additions thereto;

“super scale officer” means an officer who was remunerated under any of the salary super scales set out in the Establishment Circular No. 18 of 28th March, 1961 and any amendments or additions thereto.

