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DIRECTORATE OF LEGAL SERVICES
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THE PARLIAMENTARY PENSIONS (AMENDMENT) BILL, 2023

A Bill for

AN ACT of Parliament to amend the Parliamentary Pensions Act, and for connected purposes

ENACTED by the Parliament of Kenya, as follows—

Short title.

1. This Act may be cited as the Parliamentary Pensions (Amendment) (No.3) Act, 2023.

Deletion of section 2 of Cap 196.

2. The Parliamentary Pensions Act, (in this Act referred to as "the principal Act"), is amended by deleting section 2 and substituting therefor the following new section—

Application.

2. The provisions of this Act shall apply to any person who is a member of Parliament on or at any time after the commencement of this Act.

Amendment of section 3 of Cap196.

3. Section 3 of the Principal Act is amended in subsection (1)—

(a) in the definition of "child" by—

(i) deleting the word "sixteen" appearing in paragraph (a) and substituting therefor the word "eighteen";

(ii) deleting the words "and in the case of female child is not married or is not cohabiting with any person" appearing in paragraph (b);

(b) by deleting the definition of "member of the National Assembly" and substituting therefor with the following new definition—

"member of Parliament" means a member of the National Assembly or of the Senate; and

(c) by deleting the definition of "pensionable emoluments" and substituting therefor the following new definition—

"pensionable emoluments" for the purposes of this Act means basic salary;

(d) in the definition of "service" by deleting the words "the National Assembly" and substituting therefor the word "Parliament.";

(e) by inserting the following new definition in the proper alphabetical sequence–

"Commission" has the meaning assigned to it under the Parliamentary Service Act;

Insertion of new section 3A into Cap 196.

4. The principal Act is amended by inserting the following new section immediately after section 3—

Member to be paid gratuity or pension.

3A. A member of Parliament shall, at the beginning of the term of a newly elected Parliament, elect to be paid either a pension or gratuity in accordance with the provisions of this Act.

Amendment of section 4 of Cap 196.

5. Section 4 of the principal Act is amended by deleting subsection (1) and substituting therefor the following new section—

(1) Subject to the provisions of this section, where a member of Parliament elects to be paid pension, there shall be deducted from each payment of pensionable emoluments made to the member, a sum calculated at the rate of twelve and three-fifths per cent of the payment, and amounts so deducted shall be paid into the Consolidated Fund.

Amendment of section 5 of Cap 196.

6. Section 5 of the principal Act is amended—

(a) by deleting subsection (1) and substituting therefor the following new subsection—

(1) Subject to subsection (2) of this section and section 7(6), the total reckonable service of a member shall be the aggregate of all periods during which the person was or is a Member of Parliament, and in respect of which periods deduction of contributions has been made under section 4; and

(b) in subsection (2) by deleting the words "the National Assembly" and substituting therefor the word "Parliament".

7. Section 6 of the principal Act is amended by deleting the words "the National Assembly" and substituting therefor the word "Parliament".

Amendment of section 6 of Cap 196.

8. The principal Act is amended by deleting section 7 and substituting therefor the following new section—

Deletion of section 7 of Cap 196.

Gratuities to former members.

7. (1) Subject to the provisions of this Act, a person shall be entitled to receive gratuity under this section where the person—

(a) ceases to be a Member of Parliament; and

(b) has served an aggregate period of five years or less.

(2) Notwithstanding subsection (1)(b) a Member of Parliament who has served more than one term of Parliament may elect to be paid a gratuity in lieu of a pension at the end of the term of Parliament which the Member is at the time serving.

(3) The amount of gratuity payable to a person under this section shall be a sum equal to thirty-one percent of their basic salary for the period served.

(4) If after receiving gratuity under subsection (2) the Member elects to pay pension contributions under section 4, the Member may if he so desires–

(a) repay all the gratuity paid to the member plus, interest at the rate of three percent per month for a period of fifteen months, from the date he elects to be pensionable; and

(b) pay the contributions under section 4 for the entire period of non-contribution to match up with existing contributors.

(5) Any amount paid by the member under subsection (4) shall be treated for the

purposes of this section as if it were a contribution made by the Member at the time when he or she makes that payment.

(6) For the purpose of calculating a person's aggregate period of reckonable service, no account shall be taken of any period in respect of which gratuity had been paid to that person under this section and not subsequently repaid by the person.

(7) For the purposes of this Act, a person who ceased to be a member of Parliament in consequence of its term ending shall be deemed to continue to be a member until such time when the Member fails to be re-elected whether by reason of failing to stand for election or otherwise to the National Assembly or Senate in the election to the new Parliament consequent on the end of that term of Parliament.

9. Section 8 of the principal Act is amended— Amendment of section 8 of Cap 196.

(a) in subsection (1) by deleting paragraph (a) and substituting therefor the following new paragraph—

(a) has ceased to be a member of Parliament at the end of a term of Parliament;

(b) in subsection (2) by deleting the words "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."

10. The principal Act is amended by deleting section 9 and substituting therefor the following new section— Repeal and replacement of section 9 of Cap 196.

Retirement on medical grounds.

9. Where a member of Parliament retires on medical grounds and the Committee is satisfied on the basis of medical evidence supported by the report of a Medical Board appointed by the Director of Medical Services that there is no reasonable possibility of the person becoming fit to become a member of Parliament again, the Committee shall, grant a pension or gratuity calculated in accordance with sections 7 and 8, notwithstanding that the Member may not have attained the age of forty-five years.

Amendment of section 11 of Cap 196.

11. Section 11 of the principal Act is amended by—

(a) deleting the words "the National Assembly" appearing in the prefatory clause and substituting therefor the word "Parliament";

(b) deleting paragraph (a) and substituting therefor the following new paragraph—

(a) if his aggregate period of reckonable service is less than twelve months the Committee shall pay to his legal personal representative an amount equal to his annual salary.

Amendment of section 13 of Cap 196.

12. Section 13 of the principal Act is amended—

(a) by deleting subsection (1) and substituting therefor the following new subsection—

(1) Subject to this section, the widow of a man who has died after the date of commencement of this Act shall be entitled to receive a pension under this section if her late husband, at the time of his death was entitled to receive a pension under section 8(1).

(b) by deleting subsection (6) and substituting therefor the following new subsection—

(6) Where a woman who is entitled to receive a pension under section 8(1) dies, her widower shall become entitled to a pension under this section.

Amendment of section 16 of Cap 196.

13. Section 16 of the principal Act is amended in subsection (2) by deleting the words "the National Assembly" and substituting therefor the word "Parliament".

Insertion of new section 13A. in Cap. 196

13A. The principal Act is amended by inserting the following new sections immediately after section 18–

Administration of the Act.

18A. (1) The Administration of this Act shall be by the Commission.

(2) The payment of pension, gratuity, refund of contributions and other allowances payable shall be provided for in the estimates of the Commission pursuant to Article 127 of the Constitution.

Post-retirement medical scheme

18B. (1) The Commission may establish voluntary post-retirement medical scheme for Members of Parliament.

(2) Without prejudice to the generality of sub-section (1), the Scheme shall make provision to allow Members of Parliament to make voluntary contributions in respect of funding a post-retirement medical Fund.

Amendment of section 19 of Cap 196.

14. Section 19 of the principal Act is amended—

(a) by deleting subsection (1) and substituting therefor the following new subsection—

(1) This Act shall be administered by a Management Committee which shall consist of—

(a) the Speaker of the National Assembly who shall be the chairperson;
(b) the Speaker of the Senate;
(c) four members of the National Assembly who shall be appointed by the National Assembly;
(d) two members of the Senate who shall be appointed by the Senate;
(e) the Clerk of the Senate; and
(f) the Clerk of the National Assembly who shall be the Secretary to the Committee.

(b) in subsection (2) by deleting the words "the National Assembly" and substituting therefor the word "Parliament";

(c) by deleting subsection (3) and substituting therefor the following new subsection—

"(3) A quorum of the Committee shall be four members, including the Speaker of the National

Assembly and one member of Parliament from each House of Parliament";

(d) by deleting subsection (4); and

(e) in sub-section (5) by –

(a) deleting the words "the National Assembly" and substituting therefor the word "Parliament"; and

(b) deleting the words "through the Treasury" appearing immediately after the words "by the Committee.

15. Section 20 of the principal Act is amended—

Amendment of section 20 of Cap 196.

(a) by deleting subsection (2) and substituting therefor the following new subsection—

"(2) The Tribunal shall consist of—

(a) the Chief Executive Officer to the Retirements Benefits Authority who shall be the chairperson;

(b) the Attorney General or his representative;

(c) two members to be appointed by the National Assembly during the first session of each new Parliament; and

(d) a member to be appointed by the Senate during the first session of each new Parliament.

(b) in subsection (6) by deleting the words "out of the Consolidated Fund" and substituting therefor the words "by the Parliamentary Service Commission."

16. Section 21 of the principal Act is amended—

Amendment of section 21 of Cap 196.

(a) in subsection (1) by deleting the words "Controller and"; and

(b) in subsection (2) by deleting the words "and Auditor-General" and substituting therefor the words "of Budget".

17. Section 22 of the principal Act is amended—

Amendment of section 22 of Cap 196.

(a) in subsection (1) by —

(i) deleting the word "President" and substituting therefor the words "Parliamentary Service Commission";

(ii) deleting the word "his" and substituting therefor the word "its"; and

(b) in subsection (2) by inserting the words "and the Senate" immediately after the words "National Assembly."

Insertion of new section 23 in Cap. 196.

18. The principal Act is amended by inserting the following new section immediately after section 22-

Regulations by the Commission.

23. (1) The Commission may make regulations for prescribing anything required by this Act to be prescribed and generally for the better carrying out of the purposes of this Act.

(2) Without prejudice to the generality of sub-section (1), regulations under this Act may provide for-

(a) the administration of pension, gratuity and other benefits to Members of Parliament; and

(b) the establishment, regulation and supervision of the management of a post-retirement medical fund scheme for Members of Parliament.

MEMORANDUM OF OBJECTS AND REASONS

The principal object of this Bill is to amend the Parliamentary Pensions Act, Cap. 196 to bring it into conformity with the provisions of the Constitution of Kenya, 2010 and provide for the Act to apply to Members of both Houses of Parliament. The Bill further seeks to bring Cap 196 into conformity with the directions of the Salaries and Remuneration Commission as regards the retirement benefits due to Members of Parliament. The Salaries and Remuneration Commission is established under Article 230 of the Constitution and is empowered under Article 230(4) to set and regularly review the remuneration and benefits of all State Officers.

The structure of the Bill is as follows—

Clause 1 of the Bill is the short title.

Clause 2 of the Bill seeks to amend section 2 of the Act to conform to the Constitution that provides for Parliament which consists of the National Assembly and the Senate.

Clause 3 of the Bill seeks to amend various definitions in section 3 of the principal Act in line with the Constitution that provides the definition of "child" which means a person under the age of eighteen years. It also seeks to provide for the definition of Member of Parliament to mean both members of the National Assembly and Senate.

Clause 4 of the Bill proposes to insert a new section 3A to the Act to enable members of Parliament to elect to either be paid a pension or gratuity at the end of their term of service.

Clause 5 of the Bill proposes to amend section 4 of the Act to subject deductions of pension contributions to only members who elect to paid pension at the end of their term of service.

Clause 6 of the Bill proposes to amend section 5 of the Act to conform to the Constitution that provides for Parliament which consists of the National Assembly and the Senate.

Clause 7 of the Bill proposes to amend section 6 of the Act to conform to the Constitution that provides for Parliament which consists of the National Assembly and the Senate.

Clause 8 of the Bill seeks to delete and replace section 7 of the principal Act with a new section to provide for payment of gratuities to members of Parliament who serve for one term in line with the recommendation of the Salaries and Remuneration Commission as regards the retirement benefits due to Members of Parliament.

Clause 9 of the Bill seeks to amend section 8 of the principal Act of the Act to conform to the Constitution that provides for Parliament which consists of the National Assembly and the Senate.

Clause 10 of the Bill seeks to delete and replace section 9 of the principal Act with a new section to provide for payment of pension to members who retire on the basis of ill health.

Clause 11 of the Bill seeks to amend section 11 of the principal Act to conform to the Constitution that provides for Parliament which consists of the National Assembly and the Senate and further provide for payment of one full year's salary to legal representatives of members who die before they serve for a period of twelve months.

Clause 12 of the Bill seeks to amend section 13 of the principal Act to provide for payment of to widows and widowers of Members of Parliament.

Clause 13 of the Bill seeks to amend section 16 of the principal Act to conform to the Constitution that provides for Parliament which consists of the National Assembly and the Senate.

Clause 14 of the Bill seeks to amend section 19 of the principal Act by deleting subsection (1) and replacing it with a new subsection to provide for the membership of the pensions Management Committee that is representative of both Houses of Parliament. The amendment further proposes to align other provisions of the section with the Constitution that provides for Parliament which consists of the National Assembly and the Senate.

Clause 15 of the Bill seeks to amend section 20 of the principal Act by deleting subsection (2) and replacing it with a new subsection to provide for a Tribunal that is representative of both Houses of Parliament and further for the funds for the administration of the provisions of the Act to be sourced from the Parliamentary Service Commission.

Clause 16 of the Bill seeks to amend section 21 of the principal Act in line with the Constitution that sets up the office of the Auditor General and the Controller of Budget.

Clause 17 of the Bill seeks to amend section 22 of the principal Act in line with the Constitution that sets up the Parliamentary Service Commission which is mandated with overseeing the welfare of members of Parliament and undertaking other services for the efficient running of Parliament.

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

The Bill does not contain any provisions limiting any fundamental rights or freedom.

Statement on how the Bill concerns county governments

The Bill does not affect the functions of County governments as set out in the Fourth Schedule to the Constitution and is therefore not a Bill concerning counties.

Statement that the Bill is not a money Bill, within the meaning of Article 114 of the Constitution.

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

Dated the 25th October, 2022.

MAKALI MULU,
Member of Parliament.

Section 2 of the Parliamentary Pensions Act which it is proposed to amend—

2. The provisions of this Act shall apply to any person who is a member of the National Assembly on or at any time after the commencement of this Act. Application.

Section 3 of the Parliamentary Pensions Act which it is proposed to amend—

"accumulated with interest" means accumulated with interest at the rate of fifteen percent per annum with yearly rests up to the relevant date; Interpretation.

"Appeals Tribunal" means the Appeals Tribunal established under section 20;

"approved actuary" means an actuary approved by the Committee on the recommendation of the Treasury;

"child" means any child of the deceased or of any wife or husband of the deceased who—

(a) is under sixteen years of age; or

(b) is under twenty-one years of age and is undergoing a course of full time education, and in the case of a female child is not married or is not cohabiting with any person; or

(c) was at the time of the death of the deceased wholly or mainly dependent on the deceased and was at that time and has at all times since been either a person falling within paragraph (a) or (b) or is incapable, and likely to remain permanently incapable, by reason of bodily or mental infirmity, of earning his own living, and is not for the time being maintained out of moneys provided by the Government in a hospital or a similar institution;

"Committee" means the Management Committee set up under section 19;

"gratuity" includes a commuted pension under section 10;

"member of the National Assembly", for the purposes of this Act means an elected member, a nominated member or an ex officio member, but does not include the Attorney-General;

"pensionable emoluments" includes salary, responsibility allowance, constituency allowance, nominated member's allowance, ex officio member's allowance, house allowance, accommodation allowance and sitting allowance;

"service" means service as a member of the National Assembly;

"wife" includes, in the case of a person under whose religion or custom polygamy is lawful, any person to whom the person is lawfully married in accordance with the tenets of that religion or tribal custom, and in any such case the amount of any pension, gratuity or other allowance for which a wife is eligible under this Act shall be divided equally among all such wives during the period in which there is more than one wife eligible therefor; and "widow" shall be construed accordingly.

(2) Reference to a widow shall, in the case of a female member, be interpreted as reference to a widower, and any provisions of this Act relating to a male member or his widow shall apply to a female member and her widower.

Section 5 of the Parliamentary Pensions Act which it is proposed to amend—

Reckonable service.

5. (1) Subject to subsection (2) of this section and to section 7(4), the total reckonable service of a member shall be the aggregate of all periods beginning on or after the commencement of this Act during which he was or is a member of the National Assembly, and in respect of which periods deduction of contributions has been made under section 4.

(2) Any person to whom this Act applies who has, at any time before the commencement of this Act, but on or after 1st June, 1963, served as a member of the National Assembly shall, if he applies therefor and pays to the Consolidated Fund within a period of one year from such commencement or from such later date as is approved by the Committee all the contributions applicable to his pensionable emoluments in respect of that service accumulated with interest to the date of payment, be eligible to have that service treated as reckonable service under this section:

Provided that where a person is not able to pay the accumulated amount in a lump sum within that period, the Committee may permit him to pay the amount in instalments extending over a period of not more than four years, subject to the condition that interest accumulated in respect of each instalment is paid up to the date of its payment, and subject also to the condition that if, before the full amount is so paid, any pension, gratuity or other allowance becomes due to the person, his dependants or his legal personal representative, that pension, gratuity or other allowance shall, in so far as it relates to or is based on that past service, be reduced to such extent as an approved actuary may advise.

(3) For the purpose of this section, where there is more than one period falling under subsection (1) or (2) those periods shall be aggregated, and where those periods contain fractions of a year the total of those fractions shall be converted into years, months and days by taking a year to contain three hundred and sixty-five days and a month to contain thirty days.

(4) For the purposes of subsection (2), the rate of interest chargeable on an amount payable by the member shall, in respect of the period commencing six months after the commencement of this Act be fifteen percent per annum.

Section 6 of the Parliamentary Pensions Act which it is proposed to amend—

Pensionable emoluments.

Pensions payable under this Act shall be based on the member's pensionable emoluments for the last twelve months (whether continuous or discontinuous) during which he was a member of the National Assembly.

Section 7 of the Parliamentary Pensions Act which it is proposed to amend—

Refund of contributions.

7. (1) The Committee shall refund two times the contributions paid by a person accumulated with interest, on written application by that person, subject to the following conditions being fulfilled in respect of him, namely that he has ceased to be a member of the National Assembly and that his aggregate period of reckonable service is less than one term of Parliament:

Provided that where the refund is due to retirement of the member for reasons of ill-health and the conditions specified in paragraph (b) of section 9 are fulfilled, the amount refunded shall be as specified in that paragraph.

(2) If after the refund of the contributions to him under this section the contributor again becomes a person liable to pay contributions under section 4, he may, if he so desires, repay in one lump sum all the contributions paid to him, including interest paid thereon and accumulated interest thereon to the date of repayment, within a period of three months from the date he becomes so liable.

(3) Any amount (whether of principal or interest) paid by the contributor under subsection (2) shall be treated for the purposes of this section as if it were a contribution made by him at the time when he makes that payment.

(4) For the purpose of calculating a person's aggregate period of reckonable service, no account shall be taken of any period in respect of which contributions paid by that person have been refunded to him under this section and not subsequently repaid by him.

(5) For the purposes of this Act, a person who ceased to be a member of the National Assembly in consequence of its dissolution shall be deemed to continue to be a member until such time as he fails to be re-elected (whether by reason of failing to stand for election or otherwise) to the National Assembly in the election to the new Parliament consequent on that dissolution.

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

Pensions to former members.

8. (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.

Section 9 of the Parliamentary Pensions Act which it is proposed to amend—

Retirement by reason of ill-health

9. Where a member of the National Assembly retires for reasons of ill-health and the Committee is satisfied on the basis of medical evidence supported by the report of a Medical Board appointed by the Director of Medical Services that there is no reasonable possibility of the person becoming fit to become again a member of the National Assembly, the Committee shall—

(a) where the member's aggregate period of reckonable service is not less than ten years, grant a pension calculated in accordance with section 8(2) and benefits in accordance with sections 13, and 14, notwithstanding the fact that he has not attained the age of forty-five years;

(b) where the member's aggregate period of reckonable service is less than ten years, grant a refund of the members contributions together with those made by the Government on his behalf accumulated with interest.

Section 11 of the Parliamentary Pensions Act which it is proposed to amend—

Death before retirement.

11. Where a person dies after the commencement of this Act at a time when he was or had at any time previous to his death been a member of the National Assembly and he has not become eligible for a pension in accordance with section 8, then —

(a) if his aggregate period of reckonable service is less than twelve months Committee shall refund to his legal personal representatives his contributions accumulated with interest;

(b) if his aggregate period of reckonable service is not less than twelve months, but less than ten years the Committee shall pay a gratuity to his legal personal representatives of an amount equal to five times his annual pensionable emoluments on the date of his death or on the last date on which he was a member, as the case may be; or

(c) if his aggregate period of recokable service is not less than ten years the Committee shall pay –

(i) a gratuity as under paragraph (b); and

(ii) if he leaves a widow, a pension to the widow under section 13; and

(iii) if he leaves any children, a pension to the children under section 14.

Section 13 of the Parliamentary Pensions Act which it is proposed to amend–

Pensions to widows and widowers.

13. (1) Subject to this section, the widow of a man who has died after the date of commencement of this Act shall be entitled to receive a pension under this section if her late husband, at the time of his death—

(a) was entitled to receive a pension under section 8 (1); or

(b) was not so entitled but whose aggregate period of reckonable service was not less than ten years.

(2) The annual amount of a widow's pension under this section shall be one-half of the actual or prospective pension of her late husband:

Provided that where the deceased leaves more than one wife the pension payable shall be shared equally among his wives.

(3) Subject to subsection (4), a pension payable under this section to a widow shall continue for her life or until her remarriage:

Provided that in the case of remarriage the Committee may, with the concurrence of the Attorney-General, at any time direct that the pension shall be restored if it is satisfied that the subsequent marriage has been terminated.

(4) No pension shall be payable under this section to a widow who at her husband's death was cohabiting with another person; and if a widow entitled to such a pension cohabits with another person the pension shall cease to be payable.

(5) Where a man dies in circumstances in which, apart from this subsection, a widow's pension would be payable to a woman married to him within the year ending with his death, then if—

(a) there are no children of that marriage; and

(b) it appears to the Committee that his death within the year was reasonably foreseeable by him at the date of his marriage,

the Committee, with the concurrence of the Attorney-General, may direct that no widow's pension shall be payable under this section.

(6) Where a woman who is entitled to receive a pension under section 8 (1), or who is not so entitled but whose aggregate period of reckonable service is not less than ten years, dies, her widower shall become entitled to a pension under this section.

(7) The provisions of subsections (4) and (5) shall apply mutatis mutandis for the purposes of subsection (6).

Section 16 of the Parliamentary Pensions Act which it is proposed to amend—

Cessation of pension.

16. (1) Every pension granted under this Act shall, unless it has sooner ceased, cease upon the death of the person to whom it is granted.

(2) No such pension shall be payable to a person in respect of any period during which he is a member of the National Assembly.

Section 19 of the Parliamentary Pensions Act which it is proposed to amend—

Management committee

19. (1) This Act shall be administered by a Management Committee comprising of the following—

(a) the Speaker of the National Assembly who shall be the chairman;

(b) the Attorney-General or his representative;

(c) three members of the National Assembly to be appointed by the National Assembly;

(d) the Permanent Secretary to the Treasury or his representative;

(e) the Clerk of the National Assembly who shall be the secretary; and

(f) the Accounts Controller of the Treasury.

(2) In the absence of the chairman one of the members who is a member of the National Assembly shall take the chair.

(3) A quorum of the Committee shall be four, including the Permanent Secretary to the Treasury or his representative, the Speaker and one other member of the National Assembly.

(4) If during the deliberations of the Committee any matter involving a question of law needs to be decided, the Committee shall obtain the advice of the Attorney-General thereon and shall act on his advice on that question of law.

(5) Pensions, gratuities, refund of contributions and other allowances payable under this Act may be granted by the Committee through the Treasury, to persons who have been members of the National Assembly or to their dependants, in accordance with the provisions of this Act.

(6) The Committee may, from time to time, make to the approved actuary such recommendations as it may deem necessary for the better carrying out of the objects of this Act.

Section 20 of the Parliamentary Pensions Act which it is proposed to amend—

Appeals Tribunal.

20. (1) There shall be an Appeals Tribunal (hereinafter referred to as the Tribunal) whose functions shall be to hear and decide appeals made to it by any person who is aggrieved by a decision made by the Committee.

(2) The Tribunal shall consist of the following members—

(a) the Chief Justice who shall be the chairman;

(b) the Controller and Auditor-General;

(c) a member to be appointed by the National Assembly at the commencement of this Act and thereafter during the first session of each new Parliament.

(3) The Tribunal shall regulate its own procedure.

(4) No appeal shall lie to any court in respect of any matter on which an appeal lies to the Tribunal under this Act, and every decision of the Tribunal on the appeal shall be final.

(5) Any person who is aggrieved by a decision of the Committee under the provisions of this Act may appeal to the Tribunal within sixty days of the date on which the decision is notified to him or comes to his knowledge:

Provided that before hearing any appeal, the Tribunal may require security from the appellant, either in cash or in such other form as it may specify.

(6) All expenses incurred in the administration of any of the provisions of this Act shall be met out of the Consolidated Fund.

Section 21 of the Parliamentary Pensions Act which it is proposed to amend—

Auditing of accounts.

21. (1) All accounts kept under this Act shall be audited by the Controller and Auditor-General at least once in every calendar year.

(2) Before any payment is made to any person eligible for a pension, gratuity or other payment under this Act, or to his eligible widow or other dependants, the computation

of that payment shall be verified and certified as correct by the Controller and Auditor-General.

Section 22 of the Parliamentary Pensions Act which it is proposed to amend—

Actuarial review.

22. (1) Once in every ten years, or at such other time as the President may direct, the relationship between contributions made and benefits paid out under this Act shall be reviewed by an approved actuary who shall examine whether the contributions made by the members are equivalent, according to his estimation, to one-third of the benefits paid thereunder and shall recommend any necessary change in the rate of contributions in order to achieve this.

(2) Any report or findings of an actuary made under subsection (1) shall be laid before the National Assembly without undue delay.