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4/7/2023

REPUBLIC OF KENYA

THE NATIONAL ASSEMBLY

THIRTEENTH PARLIAMENT – SECOND SESSION – 2023

DEPARTMENTAL COMMITTEE ON FINANCE AND NATIONAL PLANNING

REPORT ON-

THE CONSIDERATION OF THE PENSIONS (AMENDMENT) BILL (*NATIONAL ASSEMBLY BILL NO. 44 OF 2022*)

 THE NATIONAL ASSEMBLY PARLIAMENT BUILDINGS	
DATE: 04 JUL 2023	DAY: Tuesday
TABLED BY:	Hon. Kunia Kimani (Chairperson, Committee on Finance and National Planning)
CLERK-AT THE-TABLE:	Inzafu Mwale

CLERK'S CHAMBERS

DIRECTORATE OF DEPARTMENTAL COMMITTEES

PARLIAMENT BUILDINGS

NAIROBI

JUNE 2023

TABLE OF CONTENTS

.....	1
ANNEXURES.....	3
CHAIRPERSON'S FOREWORD	4
PART ONE.....	5
1. PREFACE.....	5
1.1. Establishment and Mandate of the Committee	5
1.2. Subjects under the Committee.....	5
1.3. Committee Membership	6
1.4. Committee Secretariat	7
PART TWO	8
2 OVERVIEW OF THE PENSIONS (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 44 OF 2022).....	8
2.1 ANALYSIS OF THE BILL.....	8
2.2 REVIEW OF THE PENSIONS (AMENDMENT) BILL, 2020	8
PART THREE	9
3 PUBLIC PARTICIPATION/STAKEHOLDER CONSULTATION.....	9
3.1 THE NATIONAL TREASURY AND ECONOMIC PLANNING	9
PART FOUR	10
4 COMMITTEE OBSERVATIONS.....	10
PART FIVE	11
5.0 COMMITTEE RECOMMENDATION	11
PART SIX	11
6.0 SCHEDULE OF PROPOSED AMENDMENTS.....	11

ANNEXURES

- Annexure 1: Signed list of Members who attended the sitting which considered and adopted the report
- Annexure 2: Minutes of sittings of the Committee on the consideration of the Bill
- Annexure 3: Public participation advertisement
- Annexure 4: Stakeholder submissions

CHAIRPERSON'S FOREWORD

This report contains the Committee's proceedings on the consideration of the Pensions (Amendment) Bill (*National Assembly Bill No. 44 of 2022*). The Bill was published on 28th October 2022, read a First Time on 15th February 2023 and committed to the Departmental Committee on Finance and National Planning for review and reporting to the House pursuant to Standing Order 127.

The Bill seeks to amend the Pensions Act Cap. 189 to provide a timeline within which pension shall be payable upon retirement from service. It seeks to remedy the delays in payment of pension after it is due.

Following the placement of adverts in the print media on 23rd February 2023 requesting comments on the Bill from members of the public and relevant stakeholders pursuant to Article 118(1) (b) of the Constitution and Standing Order 127(3), the Committee received memoranda from Ministry of Finance and Economic Planning.

The National Treasury submitted memoranda supporting the proposed amendment as it provides a timeline for pension payment by the government. The Committee agreed with the concerns raised by the National Treasury and as such, proposed that the Pensions Act be amended further to provide for a period within which the employing government entity should submit a retiree's documents to the Pensions Department for payment of pension.

On behalf of the Departmental Committee on Finance and National Planning and pursuant to provisions of Standing Order 199 (6), it is my pleasant privilege and honour to present to this House the Report of the Committee on its consideration of the Pension (Amendment) Bill (*N.A. Bill No. 44 of 2022*). The Committee is grateful to the Offices of the Speaker and Clerk of the National Assembly for the logistical and technical support accorded to it during its sittings. The Committee further wishes to thank the National Treasury and Economic Planning for submitting their comments on the Bill. Finally, I wish to express my appreciation to the Honourable Members of the Committee and the Committee Secretariat who made useful contributions towards the preparation and production of this report.

It is my pleasure to report that the Committee has considered the Pension (Amendment) Bill (*N.A. Bill No. 44 of 2022*) and has the honour to report to the National Assembly with the recommendation that the Bill be approved with amendments.



Hon. CPA Kuria Kimani, M.P.

Chairperson, Departmental Committee on Finance and National Planning

PART ONE

1. PREFACE

1.1. Establishment and Mandate of the Committee

1. The Departmental Committee on Finance and National Planning is one of the twenty (20) Departmental Committees of the House established under **Standing Order 216** which mandates Departmental Committees-

- i. To investigate, inquire into, and report on all matters relating to the mandate, management, activities, administration, operations and estimates of the assigned ministries and departments;*
- ii. To study the programme and policy objectives of ministries and departments and the effectiveness of the implementation;*
- iii. on a quarterly basis, monitor and report on the implementation of the national budget in respect of its mandate;*
- iv. To study and review all legislation referred to it;*
- v. To study, assess and analyze the relative success of the ministries and departments as measured by the results obtained as compared with their stated objectives;*
- vi. To investigate and inquire into all matters relating to the assigned ministries and departments as they may deem necessary, and as may be referred to them by the House;*
- vii. To vet and report on all appointments where the Constitution or any law requires the National Assembly to approve, except those under Standing Order 204 (Committee on Appointments);**
- viii. To examine treaties, agreements and conventions;*
- ix. To make reports and recommendations to the House as often as possible, including recommendations of proposed legislation;*
- x. To consider reports of Commissions and Independent Offices submitted to the House pursuant to the provisions of Article 254 of the Constitution; and*
- xi. To examine any questions raised by Members on a matter within its mandate.*

1.2. Subjects under the Committee

2. In accordance with the Second Schedule of the Standing Orders, the Committee is mandated to consider, public finance, public audit policies, monetary policies, financial institutions (excluding those in securities exchange), economy, investment policies, competition, banking, insurance, national statistics, population, revenue policies including taxation, national planning and development, digital finance, including digital currency.
3. The Committee oversees the Ministry of National Treasury and Planning, Commission on Revenue Allocation and Office of the Controller of Budget.

1.3. Committee Membership

4. The Committee was constituted by the House on 27th October 2022 and comprises the following Members:

Chairperson

Hon. CPA. Kuria Kimani, MP
Molo Constituency
UDA Party

Vice-Chairperson

Hon. (Amb.) CPA. Langat Benjamin Kipkirui, MP
Ainamoi Constituency
UDA Party

Members

Hon. Dr. Keynan Wehliye Adan, MP
Eldas Constituency
Jubilee Party

Hon. Biego Paul Kibichiy, MP
Chesumei Constituency
UDA Party

Hon. CPA Oyula Joseph H. Maero, MP
Butula Constituency
ODM Party

Hon. Sunkuyia George Risa, MP
Kajiado West Constituency
UDA Party

Hon. Mboni David Mwalika, MP
Kitui Rural Constituency
WDM Party

Hon. Joseph Kamau Munyoro, MP
Kigumo Constituency
UDA Party

Hon. Okuome Adipo Andrew, MP
Karachuonyo Constituency
ODM Party

Hon. Sheikh Umul Ker Kassim, MP
Mandera County
UDM Party

Hon. Kipkoros Joseph Makilap, MP
Baringo North Constituency
UDA Party

Hon. Ithinji Shadrack Mwiti, MP
South Imenti Constituency
Jubilee Party

Hon. CPA Rutto Julius Kipleting, MP
Kesses Constituency
UDA Party

Hon. Dr. CPA Ariko N. John, MP
Turkana South Constituency
ODM Party

Hon. Machele Mohamed Soud, MP
Mvita Constituency
ODM Party

1.4. Committee Secretariat

5. The Committee is facilitated by the following staff:

Mr. Benjamin Magut
Senior Clerk Assistant /Head of Secretariat

Mr. Nebert Ikai
Clerk Assistant I

Mr. Joshua Ondari
Clerk Assistant II

Mr. Salem Lorot
Legal Counsel I

Mr. Benson Kamande
Clerk Assistant III

Mr. George Ndenjeshe
Fiscal Analyst III

Ms. Terry Ondiko
Fiscal Analyst III

Mr. Andrew Jumanne Shangarai
Principal Serjeant-At-Arms

Mr. Simon Odhiambo Ouko
Assistant Serjeant-At-Arms

Ms. Shamsa A. Abdi
Research Officer III

Ms. Nelly W. N Ondieki
Research Officer III

PART TWO

2 OVERVIEW OF THE PENSIONS (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 44 OF 2022)

2.1 ANALYSIS OF THE BILL

6. The Pensions (Amendment) Bill, 2020 seeks to amend the Pensions Act Cap.189 to provide a timeline within which pension shall be payable to an officer.
5. The Bill further seeks to remedy the delays in payment of pension upon retirement from public service

2.2 REVIEW OF THE PENSIONS (AMENDMENT) BILL, 2020

6. The Pensions (Amendment) Bill, 2022 contains two (2) clauses where clause (1) provides for the short title whereas clause 2 seeks to amend section 6 of the Pensions Act Cap. 189 by inserting a new sub-section 1A immediately after sub-section (1).
7. The new sub-section (1A) provides that the pension shall be paid within ninety days from the date such pension becomes payable.

PART THREE

3 PUBLIC PARTICIPATION/STAKEHOLDER CONSULTATION

8. Following the call for memoranda from members of the public through the placement of adverts in the print media on 23rd February 2023 requesting comments on the Bill and invitation of stakeholders vide letter REF: NA/DDC/F&NP/2023/025 dated 20th March 2023 only the National Treasury and Economic Planning submitted their views on the Bill. The stakeholders submitted as follows:

3.1 THE NATIONAL TREASURY AND ECONOMIC PLANNING

The National Treasury and Economic Planning through a letter Ref: TNT/PENS/15/3/(189) dated 29th March 2023 submitted as follows:

9. An amendment to the Pensions Act Cap 189 in the year 2003 (popularly known as the Musila Bill) attempted to address delay in pension payment by introducing section 16(A) which stated that:- *'A person to whom a pension or other allowance is payable under this Act shall be entitled to be retained in the service until the payment in full in gratuity payable to him consequent upon the exercise by him of his option to receive such gratuity under the provisions of this Act.'*
10. The pension payment process was dependent on various actors in the chain each with segregated mandates/responsibilities that impact the timeframe for pension payment.
11. The retirees or beneficiaries of a deceased officer had the responsibility of applying for their pension dues completing and submitting specific documents besides exercising the option for pension commutation and giving instructions on the bank account to which their pension benefits should be remitted.
12. Any delays on the part of a pensioner may occasion delays, especially in instances where family disputes and protracted succession litigation arise.
13. The second stakeholder is the employer. The employer is required to issue retirement notice to an employee one year in advance to enable them to complete the required claim forms and submit them for processing and submission to the Pensions Department at least nine months prior to his/her retirement.
14. The Pension Department being the administrator of the pension claims is the final player in the pension processing chain. It was expected that once a fully supported pension claim was submitted to the Pensions Department in the National Treasury, the claim would be finalized within the stipulated 90 days proposed in the Amendment Bill. It may be noted that the department is already processing and finalizing pension files within 90 days upon receipt of a fully supported pension claim.
15. However, the release/transmission of the pension gratuity payment to the respective pensioners/beneficiaries' bank accounts is dependent on the availability of exchequer funding which in return depends on the National Revenue inflows. It may be noted that delays in exchequer funding could pose to time-bound disbursements.
16. Whereas the intended amendment is progressive, an absolute strict timeframe may expose the Government to possible litigation in instances where the threshold is not met. Such cases could lead to class action suits that loop in many claimants within the possibility of court awards amounting to huge decretal amounts.

PART FOUR

4 COMMITTEE OBSERVATIONS

Upon reviewing the Bill, the Committee made the following observations:

17. A similar Bill, sponsored by the same Member, was considered in the 12th Parliament. The Pensions (Amendment) Bill, 2020 (National Assembly Bills No. 26 of 2020) was published on 26th August, 2020 and it was read for a first time on 10th September, 2020. The Committee tabled its report on 5th August, 2021. The Bill was read for a second time but the Committee Stage was pending hence it lapsed in the 12th Parliament.
18. In the Committee's report in the 12th Parliament, its observations were as follows—
 - i) If enacted, the Bill will make it possible for pensioners who have retired from public service to receive their pensions soon after retirement;
 - ii) An automated pension system that will link up the National Treasury Pensions Department with pension departments of all government entities should be put in place to increase efficiency in pension processing;
 - iii) The National Treasury should review the number of documentation needed for the processing of pensions to make the process easier; and
 - iv) The National Treasury should build the capacity of pensions departments in public entities to enhance their efficiency in processing pensions for their employees

PART FIVE

5.0 COMMITTEE RECOMMENDATION

19. The Committee having considered the Pensions (Amendment) Bill (*N.A. Bill No. 44 of 2022*) recommends that the House approves the Bill with amendments as proposed in the schedule.

PART SIX

6.0 SCHEDULE OF PROPOSED AMENDMENTS

The Committee proposed the following amendments to be considered by the House in the Committee stage:

NEW CLAUSE

20. **THAT**, the Bill be amended by inserting the following new clause immediately after clause 1-
- 1A. The Pensions Act is amended in section 3 by inserting the following new sub-section immediately after sub-section (5)-
- (6) The Minister may make regulations to give effect to the provisions of section 6.

Justification

The amendment is to give the Minister (Cabinet Secretary) power to make regulations to give effect to the provisions of section 6, with regard to prompt payment of pension

CLAUSE 2

21. **THAT**, clause 2 of the Bill be amended by inserting the following new sub-sections-

(1B) Without prejudice to the generality of sub-section (1A), the Ministry or Department where an officer was serving prior to retirement, shall send the relevant documents to the Pensions Department within thirty days from the date of retirement of the officer.

(1C) Subject to Sub-section (1B), the Pensions Department shall process the officer's pension within sixty days of receipt of the documents.

Justification

The amendment is to set a timeline of thirty days for transmission of a retiree's documents/file by the Ministry or Department where a retiree was working to the Pensions Department. Thereafter, to require the Pension Department to process the pension within sixty days.

SIGNED.....



DATE.....

4th July, 2023

HON. CPA. KURIA KIMANI, MP
CHAIRPERSON,
DEPARTMENTAL COMMITTEE ON FINANCE AND NATIONAL PLANNING



**THE NATIONAL ASSEMBLY
13TH PARLIAMENT - SECOND SESSION (2023)
COMMITTEE ON FINANCE & NATIONAL PLANNING
ADOPTION LIST**

Agenda: Adoption of the following Reports-

- a) Report on the vetting of CPA Mary Andeyo Wanyonyi Chebukati nominee for appointment as the Chairperson, Commission on Revenue Allocation
- b) Report on the Kenya National Population Policy for Sustainable Development
- c) Report on the Pension Bill (Amendment) (NA Bill No. 44 of 2022) by Hon. Didmus Barasa, MP

Date: 27th June 2023

Time: 10.00 am

Venue: 5th Floor Continental House

No.	NAME	SIGNATURE
1.	Hon. CPA. Kuria Kimani, MP - Chairperson	
2.	Hon. Amb. Benjamin Kipkirui Langat, MP - Vice Chairperson	
3.	Hon. Dr. Adan Keynan Wehliye, MP	
4.	Hon. George Sunkuyia Risa, MP	
5.	Hon. CPA. Joseph Maero Oyula, MP	
6.	Hon. Andrew Adipo Okuome, MP	
7.	Hon. David Mwalika Mboni, MP	
8.	Hon. Joseph Makilap Kipkoros, MP	
9.	Hon. Joseph Kamau Munyoro, MP	
10.	Hon. CPA. Julius Kipletting Rutto, MP	
11.	Hon. Paul Kibichiy Biego, MP	
12.	Hon. Umul Ker Sheikh Kassim, MP	
13.	Hon. Dr. Shadrack Mwiti Ithinji, MP	
14.	Hon. Dr. John Ariko Namoit, MP	
15.	Hon. Mohamed Soud Machele, MP	

MINUTES OF THE 57TH SITTING OF THE DEPARTMENTAL COMMITTEE ON FINANCE AND NATIONAL PLANNING HELD ON TUESDAY, 27TH JUNE 2023 AT 10.00 AM IN COMMITTEE ROOM ON 5TH FLOOR CONTINENTAL HOUSE, PARLIAMENT BUILDINGS.

PRESENT

1. Hon. CPA. Kuria Kimani, MP **-Chairperson**
2. Hon. Dr. Adan Keynan Wehliye, CBS, MP
3. Hon. David Mwalika Mboni, MP
4. Hon. George Sunkuyia Risa, MP
5. Hon. Joseph Munyoro, MP
6. Hon. Joseph Makilap Kipkoros, MP
7. Hon. CPA Julius Kipletting Rutto, MP
8. Hon. Dr. John Ariko Namoit, MP
9. Hon. Paul Kibichiy Biego, MP
10. Hon. Dr. Shadrack Mwiti Ithinji, MP

ABSENT WITH APOLOGIES

1. Hon. Amb. Benjamin Kipkirui Langat, CBS, MP **- Vice-Chairperson**
2. Hon. CPA. Joseph Maero Oyula, MP
3. Hon. Andrew Adipo Okuome, MP
4. Hon. Umul Ker Sheikh Kassim, MP
5. Hon. Mohamed Soud Machele, MP

IN ATTENDANCE

1. Mr. Benjamin Magut	-	COMMITTEE SECRETARIAT
2. Mr. Joshua Ondari	-	Senior Clerk Assistant/Head of Secretariat
3. Mr. Benson Kamande	-	Clerk Assistant
4. Mr. Salem Lorot	-	Clerk Assistant III
5. Mr. James Macharia	-	Legal Counsel I
6. Mr. George Ndenjeshe	-	Media Relation Officer
7. Ms. Nelly Ondieki	-	Fiscal Analyst
8. Ms. Joyce Wachera	-	Research officer III
9. Mr. Simon Ouko	-	Hansard Officer
10. Mr. Muchiri Mwangi	-	Assistant Serjeant at arms
		Audio Recording Officer

MIN. NO. 181/2023: -

PRELIMINARIES

In the absence of the Chairperson and Vice-chairperson at the time of starting the meeting, Members present elected Hon. David Mwalika Mboni, MP to chair the meeting, pursuant to the provisions of Standing Order No. 188. Hon. David Mwalika Mboni, MP then called the meeting to order at 10.27 am with a word of prayer.

MIN. NO. 182/2023:-

**ADOPTION OF THE REPORT ON
THE VETTING OF NOMINEE FOR
APPOINTMENT AS CHAIRPERSON,
COMMISSION ON REVENUE
ALLOCATION**

The Committee adopted the report after being proposed and seconded by Hon. Dr. John Ariko Namoit, MP and Hon. Dr. Shadrack Mwititi Ithinji, MP respectively.

MIN. NO. 183/2023:-

**ADOPTION OF THE REPORT ON
THE PENSIONS (AMENDMENT)
BILL (NATIONAL ASSEMBLY BILL
44 OF 2022)**

The Committee adopted the report after being proposed and seconded by Hon. George Sunkuyia Risa, MP and Hon. Dr. John Ariko Namoit, MP respectively.

MIN. NO. 184/2023:-

**ADOPTION OF THE REPORT ON
KENYA NATIONAL POPULATION
POLICY FOR SUSTAINABLE
DEVELOPMENT**

The agenda was deferred.

MIN. NO. 185/2023:-

ADJOURNMENT

The chairperson adjourned the meeting at fifty-three minutes past one o'clock.

Signed.....

Chairperson

Date.....*27/06/2023*.....



SUPPLIER PREQUALIFICATION NOTICE 2023-2025

Kenya Women Microfinance Bank invites applications from interested, competent and eligible firms for pre-qualification for the under listed categories of goods, services and works for the period 2023 -2025.

NO	CATEGORY/DESCRIPTION	NO	CATEGORY/DESCRIPTION
GENERAL			
1	Supply of printed stationery	48	Provision of hotel accommodation services
2	Supply of rubber stamps and seals	49	Provision of general investigative services, security training and due diligence
3	Supply of non-printed stationery	50	Provision of real estate agents' services
4	Supply of branded promotional materials (mall bags, branded t-shirts etc.)	51	Provision of insurance brokerage services
5	Supply of staff uniform	52	Provision of insurance services (underwriters only)
6	Supply, installation and maintenance of signage and branding	53	Provision of payroll services
7	Supply of furniture, fittings and furnishings	54	Provision of outsourced labour services
8	Supply and maintenance of potted plants and flowers	55	Provision of towing services
Facilities Management			
9	Supply and delivery of office consumables	56	Provision of security printing services (e.g. ATM card, cheque books)
10	Supply of newspapers, periodicals and magazines	57	Provision of financial audit/tax services
11	Supply of drinking water and water dispensers	58	Provision of car hire services including taxis, buses and minibuses
12	Supply of hardware tools and equipment	59	Provision of OSHA audit services
13	Supply and maintenance of firefighting equipment and fire suppression systems	60	Provision of energy audit services
14	Supply and maintenance of generators	61	Provision of customer service survey services
15	Supply, installation and maintenance of ATM machines	62	Provision of translation services
16	Supply and maintenance of safes, fire resistant cabinets and strong room doors.	63	Provision for lease of motor vehicles
17	Supply of note and coin counters, fake note detectors/UV lights and shredders	ICT EQUIPMENT AND RELATED SERVICES	
18	Supply of tyres and tubes	64	Supply of toners and computer consumables
19	Supply of LPG, fuel cards and diesel	65	Supply and maintenance of ICT equipment (computers, laptops, routers etc.)
20	Supply, installation and maintenance of air conditioning, refrigeration services and data centre cooling services	66	Supply and installation of software licenses e.g. antivirus
21	Provision of office cleaning and sanitary services	67	Supply and installation of access control systems, intruder alarm, CCTV system and electric fencing
22	Provision of fumigation and pest control services	68	Provision for lease and maintenance of access control systems, intruder alarm and CCTV system and electric fencing
23	Provision of vehicle storage	69	Supply and maintenance of power back-up systems UPS, and power stabilizers
24	Provision of garbage disposal services	70	Supply and maintenance of telecommunication equipment (routers, PABX etc.)
25	Provision of asset tagging services	71	Provision of structured cabling works and networks maintenance services
26	Provision of garage for repair and maintenance of bank vehicles	72	Provision of leased printers and copiers
PROFESSIONAL SERVICES			
27	Provision of major building construction works	73	Provision of software development services
28	Provision of major drainage and plumbing works	74	Provision of IT consultancy services
29	Provision of major electrical installation, repair and maintenance works	75	Provision of website development and maintenance services
30	Provision of minor construction works, repairs and partitioning	76	Provision for lease of office equipment e.g. laptops, computers
31	Provision and maintenance of mechanical ventilation system	77	Provision of ICT audit and cybersecurity assessment services
MARKETING			
32	Provision of architectural services	78	Provision of digital marketing services
33	Provision of interior design services	79	Provision of outdoor advertising services
34	Provision of mechanical engineering consultancy services	80	Provision of print/media advertising services
35	Provision of electrical engineering consultancy services	81	Provision of PR & creatives services
36	Provision of civil structural engineers - consortium	82	Provision of experiential marketing, communication and promotion services
37	Provision of quantity surveyor (QS) services	83	Provision of research services
38	Provision of air travel agency services (IATA registered)	HR SERVICES	
39	Provision of vehicle valuation services	84	Provision of pre-employment screening and background check services.
40	Provision of property and land valuation services	85	Provision of recruitment services
41	Provision of international and local courier services	86	Provision of HR consultancy services
42	Provision of security guard services	87	Provision of staff training Services
43	Provision of cash-in-transit and offsite ATM management services	88	Provision of team building services
44	Provision of event management services	LEGAL	
45	Provision of catering services	89	Provision of auctioneering and repossession services
46	Provision of car tracking services	90	Provision of debt collection services
47	Provision of photography and videography services	91	Provision of legal services (Kisii, Migori, Kisumu, Kakamega, Kitale, Eldoret, Nakuru, Kericho, Machakos, Embu, Meru, Thika, Nairobi)

The supplier prequalification exercise will be conducted online via:



Tendersure™ platform is secure, transparent and provides an efficient prequalification process. Interested suppliers may access and register on www.tendersure.co.ke under the "Available Jobs" tab. Access to the prequalification will be granted upon payment of a non-refundable fee of KES 3,000.00 per category. All payments will be made via an online payment platform during the application process. Available payment methods include M-PESA, Visa Card and MasterCard amongst others. The online prequalification exercise closes on 17th March 2023 at 10pm EAT.

In case of any inquiry kindly contact us at help@tendersure.co.ke or +254 709 557 000. All existing suppliers are required to participate alongside prospective suppliers in order to be evaluated and considered.

All participants who duly complete the prequalification process online will be notified of the outcome. Prequalification is not a guarantee for business opportunity, bidders will be invited to submit their quotations on need basis based on the opportunities available. Kenya Women Microfinance Bank reserves the right to accept or reject any bid in whole or in part at its discretion.

Kenya Women Microfinance Bank is licensed and regulated by the Central Bank of Kenya (CBK).



REPUBLIC OF KENYA

THE NATIONAL ASSEMBLY

13TH PARLIAMENT - SECOND SESSION - 2023

In the matter of consideration by the National Assembly of:-

1. The Land (Amendment) (No.2) (National Assembly Bill No. 40 of 2022)
2. The National Transport & Safety Authority (Amendment) (National Assembly Bill No. 43 of 2022)
3. The Pensions (Amendment) (National Assembly Bill No. 44 of 2022)
4. The Cancer Prevention & Control (Amendment) (National Assembly Bill No. 45 of 2022)
5. The Public Service (Values and Principles) (Amendment) Bill (National Assembly Bill No. 46 of 2022)
6. The Geriatric Bill, (National Assembly Bill No. 50) of 2022.

PUBLIC PARTICIPATION (SUBMISSION OF MEMORANDA)

Pursuant to Article 118(1) (b) of the Constitution and Standing Order 127(3) of the National Assembly Standing Orders, the Clerk of the National Assembly hereby invites members of the public and relevant stakeholders to submit memoranda on the following Bills:

The Land (Amendment) Bill (National Assembly Bill No. 40 of 2022) sponsored by Hon. Simon Kling'ara, MP.
The principal object of the Bill is to amend the Land Act, No. 6 of 2012 to provide for registration of public land and land set aside for public purpose.

The National Transport & Safety Authority (Amendment) (National Assembly Bill No. 43 of 2022) sponsored by Hon. Simon Kling'ara, MP.
The principal objective of the Bill is to amend the National Transport & Safety Act, No. 33 of 2012 to assign additional functions to the Authority to include the establishment of systems and procedures for the registration and licensing of two and three wheeled public motorcycle taxis.

The Pensions (Amendment) (National Assembly Bill No. 44 of 2022) sponsored by Hon. Abdul Dawood, MP.
The principal objective of the Bill is to amend the Pensions Act, Cap. 189 to provide for a timeline within which pension shall be payable to an officer.

The Cancer Prevention & Control (Amendment) (No. 2) (National Assembly Bill No. 45 of 2022) sponsored by Hon. Didimus Barasa, MP.
The principal objective of the Bill is to amend the Cancer Prevention & Control Act, 2012 to provide for training of health cadres in the specialized medical field of oncology, to include cancer treatment as part of the provision of primary healthcare and incorporate the use of e-health and telemedicine.

The Public Service (Values and Principles) (Amendment) Bill (National Assembly Bill No. 46 of 2022) sponsored by Hon. Abdul Dawood, M.P.
The principal objective of the Bill is to amend the Public Service (Values and Principles) Act, 2015 to require all state organs in the national and county governments and state corporations to submit annual reports on details of human resource in constitutional commissions, independent offices and County Public Service Boards and County Assembly Service Boards.

The Geriatric Bill (National Assembly Bill No. 50 of 2022) sponsored by Hon. Gathoni Wamuchomba, M.P.
The principal objective of the Bill is to give effect to Article 57 of the Constitution by establishing a legal framework for the treatment of elderly persons.

The Bills were Read a First Time on Tuesday, 15th and Wednesday, 16th February, 2023 and pursuant to Standing Order 127(1) of the National Assembly Standing Orders, committed to Departmental Committees of the National Assembly as set out in the schedule hereunder:

NO.	BILL	COMMITTEE
1.	The Land (Amendment) (No.2) (National Assembly Bill No.40 of 2022)	Lands
2.	The National Transport & Safety Authority (Amendment) (National Assembly Bill No.43 of 2022)	Transport & Infrastructure
3.	The Pensions (Amendment) (National Assembly Bill No. 44 of 2022)	Finance & National Planning
4.	The Cancer Prevention & Control (Amendment) (No.2) (National Assembly Bill No. 45 of 2022)	Health
5.	The Public Service (Values and Principles) (Amendment) Bill (National Assembly Bill No. 46 of 2022)	Labour
6.	The Geriatric Bill (National Assembly Bill No.50 of 2022)	Social Protection

Copies of the Bills are available at the National Assembly Table Office, or on www.parliament.go.ke/the-national-assembly/house-business/bills

The memoranda should be addressed to the Clerk of the National Assembly, P.O. Box 41842-00100, Nairobi; hand-delivered to the Office of the Clerk, Main Parliament Buildings, Nairobi; or emailed to cn@parliament.go.ke; to be received on or before Wednesday, 8th March, 2023 at 5.00 p.m.

SAMUEL NJOROGE
CLERK OF THE NATIONAL ASSEMBLY

23rd February, 2023

For the Welfare of Society and the Just Government of the People

DDC
Please deal
S.S.
06/04/23



REPUBLIC OF KENYA

THE NATIONAL TREASURY AND ECONOMIC PLANNING

Telegraphic Address: 22921
FINANCE - NAIROBI
Fax No. 315779
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KENYA

When replying please quote

REF: TNT/PENS/15/3/(189)

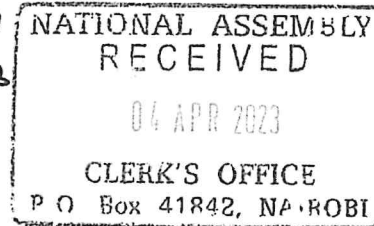
Benjamin magut

pls facilitate

Date: 29TH March, 2023

Mr. Samuel Njoroge
Clerk of the National Assembly
Parliament Buildings
NAIROBI

up m v o
11/4/23



Dear Mr Njoroge

CONSIDERATION OF BILLS BY THE DEPARTMENTAL COMMITTEE ON FINANCE AND NATIONAL PLANNING

Reference is made to your letter No. NA/DDC/F&NP/2023/025 dated 20th March, 2023 on the captioned subject.

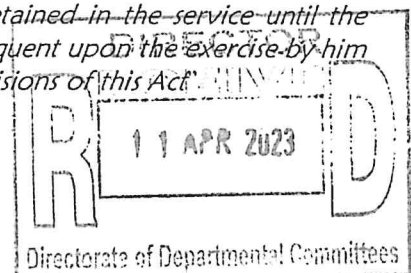
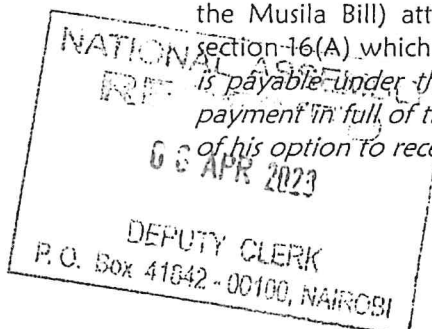
The Pensions (Amendment) Bill (National Assembly Bill No. 44 of 2022) sponsored by Hon. Didmus Baraza, MP seeks to provide for a timeline within which pension shall be paid to an officer.

The Bill seeks to amend section 6 of the Pensions Act Cap 189 by inserting the following new subsection immediately after subsection (1)-

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

Our comments on the Bill are that:

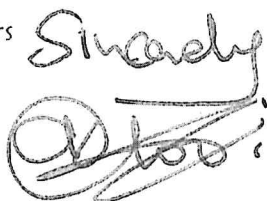
- 1) An amendment to the Pensions Act Cap 189 in the year 2003 (popularly known as the Musila Bill) attempted to address delay in pension payment by introducing section 16(A) which stated that:- "A person to whom a pension or other allowance is payable under this Act shall be entitled to be retained in the service until the payment in full of the gratuity payable to him consequent upon the exercise by him of his option to receive such gratuity under the provisions of this Act."



- 2) The pension payment process is dependent on various actors in the chain each with segregated mandates/responsibilities that impact on the timeframe for pension payment.
- 3) The retiree, or beneficiary of a deceased officer has a responsibility of applying for their pension dues by completing and submitting specific documents besides exercising the option for pension commutation and giving instructions on the bank account to which their pension benefits should be remitted.
- 4) Any delays on the part of a pensioner may occasion delays and especially in instances where family disputes and protracted succession litigation arise.
- 5) The second stakeholder is the employer. The employer is required to issue retirement notice to an employee one year in advance to enable them complete the requisite claim forms and submit them for processing and submission to the Pensions Department at least nine months prior to his/her retirement.
- 6) The Pensions Department being the administrator of the pension claims is the final player in the pension processing chain. It is expected that once a fully supported pension claim is submitted to the Pensions Department in the National Treasury, the claim would be finalized within the stipulated 90 days proposed in the Amendment Bill. It may be noted that the department is already processing and finalizing pension files within 90 days upon receipt of a fully supported pension claim.
- 7) However, release/transmission of the pension gratuity payment to the respective pensioners/beneficiaries bank accounts is dependent on availability of exchequer funding which in turn depends on the National Revenue inflows. It may be noted that delays in exchequer funding could pose to time bound disbursements.

Whereas the intended amendment is progressive, an absolute strict timeframe may expose the Government to possible litigation in instances where the threshold is not met. Such cases could lead to class action suits that loop in many claimants with the possibility of court awards amounting to huge decretal amounts.

Yours

A handwritten signature in black ink, appearing to read 'Sincerely' followed by a stylized signature that includes the name 'Kiptoo'.

DR. CHRIS KIPTOO, CBS
PRINCIPAL SECRETARY

Copy to:

Prof. Njuguna Ndung'u, CBS
Cabinet Secretary
The National Treasury & Economic Planning
NAIROBI