

SPECIAL ISSUE

Kenya Gazette Supplement No. 46 (National Assembly Bills No. 29)



REPUBLIC OF KENYA

KENYA GAZETTE SUPPLEMENT

NATIONAL ASSEMBLY BILLS, 2019

NAIROBI, 5th April, 2019

CONTENT

Bill for Introduction into the National Assembly—

PAGE

The County Governments' Retirement Scheme Bill, 2019287



**THE COUNTY GOVERNMENTS' RETIREMENT
SCHEME BILL, 2019**

ARRANGEMENT OF CLAUSES

Clause

PART I — PRELIMINARY

- 1—Short title.
- 2—Interpretation.
- 3—Application.
- 4—Objects of the Act.

**PART II — ESTABLISHMENT AND MANAGEMENT OF THE
COUNTY GOVERNMENTS' RETIREMENT SCHEME**

- 5—Establishment of the County Governments Retirement Scheme.
- 6—Establishment of the Board of Trustees.
- 7—Composition of the Board.
- 8—Qualifications for appointment of Trustees.
- 9—Criteria for suitability.
- 10—Functions of the Board.
- 11—Powers of the Board.
- 12—Committees of the Board.
- 13—Tenure of office.
- 14—Remuneration of Trustees.
- 15—Removal from office.
- 16—Vacation of office.
- 17—Filling of vacancy.
- 18—Meetings of the Board.
- 19—Chief Executive Officer of the Scheme.
- 20—Removal of the Chief Executive Officer.
- 21—Employees of the Scheme.
- 22—Common seal of the Scheme.

**PART III—ADMINISTRATION OF THE COUNTY
RETIREMENT SCHEME**

- 23—Appointment and functions of the Fund Manager.
- 24—Appointment and functions of the Custodian.
- 25—Appointment and functions of Administrator.
- 26—Liability to contribute.
- 27—Method of contribution.
- 28—Vesting of benefits.
- 29—Withdrawal of membership or benefits.
- 30—Retirement from the service.
- 31—Retirement on grounds of ill health.
- 32—Payment of retirement benefits.
- 33—Particulars of member and dependants of the member.
- 34—Death of a member in service.
- 35—Presumption of death of member.
- 36—Prohibited payments from the Scheme.

PART IV—FINANCIAL PROVISIONS

- 37—County Governments' Retirement Scheme Fund.
- 38—Trust and administrative expenses of the Scheme.
- 39—Investment of scheme funds.
- 40—Reserve account.
- 41—Annual estimates.
- 42—Accounts and audit.
- 43—Financial year.
- 44—Actuarial review of the Scheme.

PART V — GENERAL PROVISIONS

- 45—Duty of care.
- 46—Protection from personal liability.
- 47—Offences.
- 48—Proceedings for recovery of deductions from sponsors.
- 49—General penalty.
- 50—Regulations.
- 51— Repeal of Cap. 272.
- 52—Exemption from other statutory schemes.
- 53— Phasing of contributions.
- 54—Saving and transitional provisions.

SCHEDULE (S. 16)

**PROVISIONS RELATING TO THE CONDUCT OF
BUSINESS AND AFFAIRS OF THE BOARD**

**THE COUNTY GOVERNMENTS' RETIREMENT
SCHEME BILL, 2019**

A Bill for

AN ACT of Parliament to establish the County Governments' Retirement Scheme; provide for the management and administration of the Scheme; and for related matters.

ENACTED by the Parliament of Kenya, as follows —

PART I—PRELIMINARY

1. This Act may be cited as the County Governments' Retirement Scheme Act, 2019. Short title.

2. In this Act— Interpretation.

“Administrator” means the person appointed under an instrument by the Trustees to manage the administrative affairs of the Scheme;

“Authority” means the Retirement Benefits Authority established under section 3 of the Retirement Benefits Act;

“Board” means the Board of Trustees established under section 6;

“Cabinet Secretary” means the Cabinet Secretary for the time being responsible for matters relating to finance;

“Chairperson” means the chairperson of the Board of Trustees elected in accordance with section 7 (3);

“Chief Executive Officer” means the chief executive officer of the Scheme appointed under section 18;

“child” means any child of a deceased member who has not attained eighteen years of age or if the child is receiving full time education, not more than twenty-five years of age and was at the time of the death of the deceased wholly or mainly dependent on the deceased:

Provided that this category of dependants—

(a) includes an unborn child who, if already born, would have been a child of the deceased; and

(b) shall be closed at the death of the member;

“contribution” means the amount payable by a member or sponsor into the Scheme;