

**SPECIAL ISSUE**

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REPUBLIC OF KENYA

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**KENYA GAZETTE SUPPLEMENT**

**NATIONAL ASSEMBLY BILLS, 2019**

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**NAIROBI, 9th July, 2019**

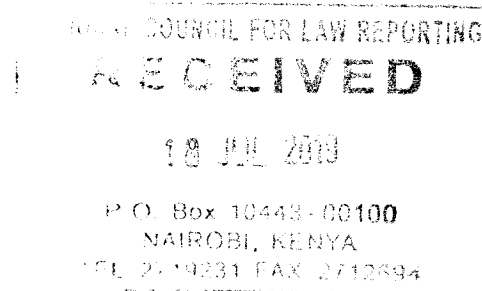
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**THE PARLIAMENTARY PENSIONS  
(AMENDMENT) (No. 3) BILL, 2019**

**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—

**1.** This Act may be cited as the Parliamentary Pensions (Amendment) (No. 3) Act, 2019.

Short title.

**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—

Deletion of section 2 of Cap 196.

Application.

**2. (1)** 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.

**(2)** Sections 3A and 7 of this Act shall apply to a person who on or after 28th March, 2013 was a Member of Parliament.

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

Amendment of section 3 of Cap196.

**(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.”

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

Insertion of new section 3A into Cap 196.

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.

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

Amendment of section 4 of Cap 196.

(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.

6. Section 5 of the principal Act is amended—

Amendment of section 5 of Cap 196.

- (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 the payment of gratuity to the Member under this section the Member elects to pay contributions under section 4, the member may, if he or she so desires, repay all the gratuity paid to the Member and interest on the gratuity at the rate of within a period of fifteen months from the date he elects to be pensionable.

(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