

SPECIAL ISSUE

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NATIONAL ASSEMBLY BILLS, 2018

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THE HEALTH LAWS (AMENDMENT) BILL, 2018

A Bill for

AN ACT of Parliament to make amendments to health-related laws

ENACTED by the Parliament of Kenya, as follows—

Short title. 1. This Act may be cited as the Health Laws (Amendment) Act, 2018.

Amendment of written laws. 2. The several laws specified in the first column of the Schedule are amended in the provisions specified in the second column thereof, in the manner respectively specified in the third column.

SCHEDULE

Written law	Provision	Amendment
The Radiation Protection Act, (Cap. 243)	s.2	<p>Insert the following new definitions in proper alphabetical sequence—</p> <p>“nuclear material” means nuclear fuel, other than natural uranium and depleted uranium, capable of producing energy by a self-sustained chain process of nuclear fission outside a nuclear reactor, either alone or in combination with some other material and radioactive products or waste;</p> <p>“non-ionizing radiation” means optical radiation, radio frequency radiation, low frequency electric and magnetic fields, ultrasonic radiation and any other radiation with similar biological effects;</p> <p>“physical protection” means measures for the protection of nuclear material or facilities, designed to prevent unauthorized access, removal or sabotage of radioactive, nuclear or fissile material; and</p> <p>“radiation” means and includes both ionizing and non-ionizing radiation.</p>
	s.3(2)	Delete the word “Minister” and substitute therefor the words “Cabinet Secretary”.

s.4 Renumber the existing provision as subsection (1).

Insert the following subsections immediately after subsection (1)—

(2) The Board shall be a body corporate with perpetual succession and a common seal and shall, in its corporate name, be capable of—

- (a) suing and being sued;
- (b) taking, purchasing or otherwise acquiring, holding, charging or disposing of movable and immovable property;
- (c) borrowing money or making investments;
- (d) charging fees for services rendered by it and requesting for securities for such fees in consultation with the Cabinet Secretary; and
- (e) doing or performing all other acts or things for the proper performance of its functions under this Act which may lawfully be done or performed by a body corporate.

(3) Upon the enactment of this section—

- (a) all the funds, assets and other property both movable and immovable, which immediately before such date were vested in the former Board, shall by virtue of this subsection, vest in the new Board;
- (b) all rights, powers and liabilities, whether arising under any written law or otherwise which immediately before such day were vested in, imposed on or enforceable against the former Board shall, by virtue of this subsection, be deemed to be vested in, imposed on or enforceable against the new Board;
- (c) any reference in any written law or in any document or instrument to the

former Board, on and after the commencement day, be construed to be a reference to the new Board;

- (d) the annual estimates of the former Board for the financial year in which the commencement day occurs shall be deemed to be the annual estimates of the new Board for the remainder of that financial year;
- (e) the administrative directions made by the former Board or by the Cabinet Secretary which are in force immediately before the commencement day shall, on and after such day, have force as if they were directions made by the new Board or the Cabinet Secretary under this Act;
- (f) any person who is an officer or employee of the former Board shall, immediately before the commencement day shall be deemed to be an officer or employee of the new Board;

Provided that such person shall, within a period of twelve months from the commencement day, exercise his or her option either to—

- (i) enter into a written contract of service with the new Board, whereupon his or her service with the Government shall be deemed to have been terminated without right to severance pay but without prejudice to all other remuneration and benefits payable upon such termination; or
- (ii) be re-deployed by the Government.

(4) The members of the former Board and the Chief Radiation Protection Officer shall continue in office as members and Chief Executive Officer respectively until when new appointments are made in accordance with the Act.