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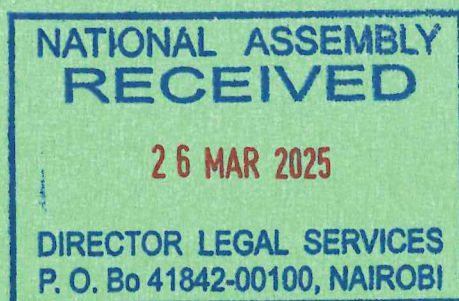
NAIROBI, 20th March, 2025

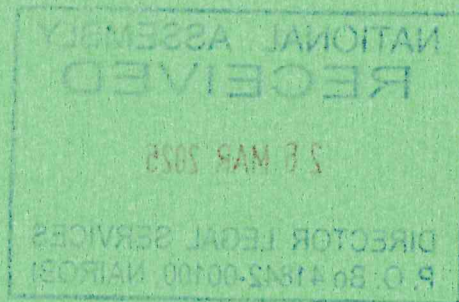
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THE SOCIAL PROTECTION BILL, 2025**A Bill for**

AN ACT of Parliament to provide a framework for the administration of non-contributory social protection interventions; to establish the National Board for Social Protection and for connected purposes

ENACTED by the Parliament of Kenya as follows—

PART I—PRELIMINARY

1. This Act may be cited as the Social Protection Bill, 2025. Short title.

2. In this Act, unless the context otherwise requires— Interpretation.
“beneficiary” means a person or household that is benefitting from a social protection benefit;

“Board” means the National Board for Social Protection established under section 7;

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

“caregiver” means a person who tends to the needs or concerns of a —

(a) child; or

(b) person who is not fully independent due to short-term or long-term limitations, including ageing, illness, injury or disability;

“cash transfer” means a regular and predictable disbursement of money by the Board to an individual, family or household;

“child” has the meaning assigned to it in Article 260 of the Constitution;

“complementary programme” means a social protection intervention that is designed to work alongside existing social protection initiatives and is aimed at promoting the skills, knowledge or qualifications of a person in order to facilitate sustainable livelihoods, enhance resilience and build socio-economic assets;

“life cycle approach” means supporting a vulnerable person or household to meet their development needs during various stages of life;

“non-contributory social protection” means a social protection intervention where eligibility to a benefit is not conditional on the payment of contributions by the beneficiary or by another party on behalf of the beneficiary;

“older member of society” means a person who has attained the age of sixty years;

“orphan” has the meaning assigned to it under section 2 of the Children Act;

Cap. 141.

“Registry” means the Social Protection Registry established under section 36;

“right-based approach” means anchoring social protection interventions, plans, policies and programmes in a system of rights and corresponding obligations established by international and national laws while taking into account the principles of objectivity, transparency, participation, socio-economic inclusion, accountability, non-discrimination, equality, empowerment and legality;

“shock” means a slow or rapid onset of high-impact ecological, environmental, economic or social disturbance that affects the well-being or socio-economic condition of an individual, household or any segment of the population;

“social assistance” means any financial assistance or social care service granted to a poor or vulnerable person or household;

“social care service” means any form of personal care or other practical assistance provided to a vulnerable person who needs extra support;

“socio-economic inclusion” means equal and equitable access to opportunities and participation in economic and social life for all members of the society which reduces disparity and create a more equitable and cohesive community;

“social protection” means non-contributory measures aimed at preventing and mitigating economic and social vulnerabilities to poverty, risks, contingencies and shocks experienced throughout the life cycle of a person;

“targeting” means the process of identifying and selecting a person, family, household or group of people eligible to receive social protection benefits based on the criteria prescribed under this Act;

“vulnerability” means the likelihood of suffering from current or future deterioration in the standard of living, which may result in socially unacceptable outcomes such as poverty, inability to meet basic needs or inability to invest in human capital development; and

“vulnerable child” has the meaning assigned to it under section 2 of the Children Act.

3. The objects of this Act are to —

- (a) cushion all persons against risks and contingencies throughout their life cycles;
- (b) build human capital capabilities and resilience of all persons; and
- (c) promote the well-being of all persons.

4. This Act shall apply to non-contributory social protection.

5. The implementation of this Act shall be guided by the following principles —

- (a) equity, social justice, inclusiveness, non-discrimination and participatory governance;
- (b) promotion of a rights-based approach to the delivery of social protection interventions;
- (c) adequacy, accessibility and sustainability of social protection interventions;
- (d) evidence based social protection programming; and
- (e) life-cycle approach to social protection.

6. In the administration and provision of social protection, a county government may —

- (a) implement national government policies on social protection through county-specific legislation and strategies;
- (b) allocate resources for social protection interventions at the county level;

Cap. 141.

Objects of the Act.

Scope of the Act.

Guiding principles.

Role of county governments.

- (c) collaborate with the national Government in the provision of social protection interventions;
- (d) develop an interoperable county registry for social protection; and
- (e) develop civic education and public participation strategies on social protection in line with the County Governments Act.

Cap. 265.

PART II—THE NATIONAL BOARD FOR SOCIAL PROTECTION

7. (1) There is established a board to be known as the National Board for Social Protection.

Establishment of the Board.

(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) entering into contracts;
- (c) acquiring, holding, charging and disposing of movable and immovable property; and
- (d) doing or performing all such other things or acts as may lawfully be done or performed by a body corporate.

8. The functions of the Board shall be to—

Functions of the Board.

- (a) advise the Cabinet Secretary on matters relating to social protection;
- (b) design, implement, monitor and evaluate social protection interventions and programmes;
- (c) provide social assistance and social care to vulnerable persons;
- (d) coordinate social protection interventions, services and programmes;
- (e) foster collaboration in the implementation of social protection interventions among government ministries, departments, and agencies;
- (f) establish and maintain a social protection registry and ensure continuous collection and disaggregation of data;

- (g) facilitate data sharing and interoperability among different social protection information systems in collaboration with relevant social protection agencies;
- (h) undertake civic education on social protection;
- (i) promote a community of practice for social protection as a knowledge-sharing platform;
- (j) periodically undertake indexation of social assistance benefits in collaboration with the National Treasury;
- (k) undertake resource mobilisation for purposes of this Act;
- (l) undertake periodic research to inform policy and programme interventions; and
- (m) perform any other function conferred on it by any written law.

9. The Board shall have all the powers necessary for the performance of its functions under this Act and in particular, but without prejudice to the generality of the foregoing, the Board shall have power to—

Powers of the Board.

- (a) cooperate and collaborate with other public or private entities and regional and international organisations in the enforcement of this Act; and
- (b) obtain professional assistance or advice from any person or organisation as it considers appropriate.

10. (1) The Board shall consist of—

Composition of the Board.

- (a) a Chairperson appointed by the President;
- (b) the Principal Secretary for the time being responsible for matters relating to social protection or their representative designated in writing;
- (c) the Principal Secretary to the National Treasury or their representative designated in writing;
- (d) one person nominated by the Council of County Governors;
- (e) four persons not being public officers, appointed by the Cabinet Secretary as follows—

- (i) one person nominated by the most representative federation of trade unions by virtue of knowledge and experience in matters relating to social protection;
 - (ii) one person nominated by the most representative federation of employers' organizations by virtue of knowledge and experience in matters relating to social protection;
 - (iii) one person with disability nominated by organisations of persons with disabilities by virtue of knowledge and experience in matters relating to social protection;
 - (iv) one older member of society nominated by organisations of older members of society by virtue of knowledge and experience in matters relating to social protection; and
- (f) the Chief Executive Officer of the Board.

11. (1) A person qualifies for appointment as the Chairperson if the person —

Qualification of
Board members.

- (a) is a citizen of Kenya;
 - (b) possesses a post-graduate degree from a university or academic institution recognised in Kenya;
 - (c) has at least fifteen years' experience in social protection;
 - (d) has at least ten years' experience in a management position in the public or private sector;
 - (e) meets the requirements of Chapter Six of the Constitution; and
 - (f) is not serving in the public service.
- (2) A person qualifies for appointment as a member of the Board under section (10) (1) (e) if the person —
- (a) is a citizen of Kenya;
 - (b) possesses a degree from a university recognised in Kenya;
 - (c) has at least ten years' experience in social protection;

(d) meets the requirements of Chapter Six of the Constitution; and

(e) is not a public officer.

(4) The Cabinet Secretary shall when appointing members of the Board—

(a) have regard to the ethnic and regional diversity of the people of Kenya;

(b) ensure that not more than two-thirds of the members of the Board are of the same gender;

(c) take into account the national values and principles set out in Article 10 of the Constitution; and

(d) stagger the period of appointment to ensure continuity of membership and corporate knowledge of the Board.

12. The Chairperson and every member appointed under section (10) (1) (e) shall hold office for a period of three years and shall be eligible for re-appointment for a further and final term of three years.

Tenure of office.

13. (1) The office of the Chairperson or a member of the Board shall become vacant if the holder—

Vacancy.

(a) dies;

(b) resigns from office by notice in writing addressed to the appointing authority; or

(c) is removed from office on any of the following grounds that the office holder—

(i) has been adjudged bankrupt or has entered into a composition scheme or arrangement with his creditors;

(ii) has been absent from three consecutive meetings of the Board without permission of the Board;

(iii) is otherwise unable or unfit to discharge the functions of the office;

(iv) contravenes Chapter Six of the Constitution;

(v) has been convicted of a criminal offence and sentenced to imprisonment for a term exceeding six months; or

- (vi) is incapacitated by prolonged physical or mental illness.

14. (1) There shall be a Chief Executive Officer of the Board who shall be appointed by the Board through an open, transparent and competitive process on such terms and conditions as the Board shall determine, in consultation with Salaries and Remuneration Commission.

The Chief
Executive Officer.

(2) The Chief Executive Officer shall —

- (a) have no right to vote at any meeting of the Board;
- (b) be responsible for executing decisions of the Board;
- (c) be responsible for the day-to-day administration and management of the affairs of the Board;
- (d) be the custodian of all the records of the Board;
- (e) be responsible for the organisation, control and management of the members of staff of the Board; and
- (f) perform such other duties as may be assigned by the Board.

(3) A person qualifies for appointment as the Chief Executive Officer if the person —

- (a) is a citizen of Kenya;
- (b) holds a post-graduate degree in a relevant field from a university or academic institution recognized in Kenya;
- (c) has at least ten years' experience in the social protection sector;
- (d) has at least ten years' experience in senior management in a public or a private institution; and
- (e) meets the requirements of Chapter Six of the Constitution.

(4) The Chief Executive Officer shall be appointed for a term of three years and shall be eligible for re-appointment for one further and final term of three years.

15. The Chief Executive Officer may be removed from office in accordance with the terms and conditions of service stipulated in the appointing instrument.

Removal of the
Chief Executive
Officer.

16. (1) The Board may establish such committees as it may consider necessary to assist it in the performance of its functions and the exercise of any of its powers.

Committees of the Board.

(2) Any decision that is made by a committee established under subsection (1) shall be ratified by the Board.

17. The Chairperson and members of the Board shall be paid such allowances and reimbursements for such expenses incurred in the performance of Board functions as may be approved by the Cabinet Secretary, on the advice of the Salaries and Remuneration Commission.

Remuneration of members of the Board.

18. (1) The conduct and regulation of the business and affairs of the Board shall be as provided in the Schedule.

Conduct of business and affairs of the Board.

(2) Except as provided in the Schedule, the Board may regulate its own procedure.

19. The Board may appoint such number of staff of the Board as it may consider necessary for the discharge of the functions of the Board, on such terms and conditions as the Board may determine, upon the advice of the Salaries and Remuneration Commission.

Staff of the Board.

20. The Board may by resolution, either generally or in any particular case, delegate to any committee of the Board or to any member, officer, employee or agent of the Board, the exercise of any of the powers or the performance of any of the functions of the Board under this Act.

Delegation of powers of the Board.

21. (1) The common seal of the Board shall be kept in the custody of the Chief Executive Officer or such other person as the Board may direct and shall not be used except upon the order of the Board.

Seal of the Board.

(2) The common seal of the Board shall be authenticated by the signature of the Chairperson of the Board or the Chief Executive Officer.

(3) Despite subsection (2), the Board shall, in the absence of either the Chairperson or the Chief Executive Officer, in any particular matter nominate one member of the Board to authenticate the seal of the Board on behalf of either the Chairperson or the Chief Executive Officer.

(4) The common seal of the Board shall, when affixed to a document and duly authenticated, be judicially and officially noticed and unless the contrary is proven, any order or authorization by the Board under this section shall be presumed to have been duly given.

22. (1) Nothing done by a member of the Board or by any officer, employee or agent of the Board shall, if done in good faith for the purpose of executing the powers or functions of the Board under this Act, render such member, officer, employee or agent personally liable for any action, claim or demand.

Protection from personal liability.

(2) The provisions of subsection (1) shall not relieve the Board of the liability to pay compensation or damages to any person for any injury to him, his property or any of his interests caused by the exercise of any power conferred by this Act or any other written law or by the failure, whether wholly or partially, of any works.

23. The funds of the Board shall comprise of—

Funds of the Board.

(a) such monies as may be appropriated by the National Assembly for purposes of the Board;

(b) such monies as may accrue to or vest in the Board in the course of the exercise of its powers or the performance of its functions under this Act;

(c) any gifts, grants, donations or endowments that are lawfully given to the Board for purposes of social protection; and

(d) any monies received from any other lawful source as the Cabinet Secretary for the National Treasury may approve.

24. The financial year of the Board shall be the period of twelve months ending on the thirtieth of June in every year.

Financial year.

25. The annual estimates of the Board shall be prepared and approved in accordance with the Public Finance Management Act.

Annual estimates.
Cap. 412A.

26. (1) The Board shall cause to be kept all proper books and records of account relating to the income, expenditure, assets and liabilities of the Board.

Books of account.

(2) The accounts of the Board shall be prepared and audited in accordance with the Public Finance Management Act and the Public Audit Act.

Cap. 412A.
Cap. 412B.

27. (1) The Board shall, within three months after the end of each financial year, prepare and submit to Parliament, through the Cabinet Secretary, a report on the status of social protection in Kenya and the operations of the Board during that financial year.

Annual report.

(2) The Cabinet Secretary shall cause the annual report to be published and publicised.

PART III—ADMINISTRATION OF SOCIAL PROTECTION

28. (1) The Board shall, in accordance with this Act, provide social protection to persons in need.

Provision of social protection to persons in need.

(2) The Cabinet Secretary shall, in consultation with the Board, determine the categories of persons in need through a notice published in the *Gazette*.

(3) Notwithstanding subsection (2), persons in need shall include—

- (a) orphans or vulnerable children;
- (b) poor older members of society;
- (c) persons with disabilities;
- (d) persons in extreme poverty; and
- (e) persons affected by shocks.

29. The Board shall provide the following social protection benefits under this Act—

Social protection benefits.

- (a) social assistance which shall include—
 - (i) cash transfers; and
 - (ii) transfers in kind;
- (b) social care services which shall include—
 - (i) rehabilitation services;
 - (ii) psychosocial support;
 - (iii) respite care services;

- (iv) feeding programmes;
- (vii) homebased care; and
- (viii) programmes aimed at promoting skills, knowledge and qualifications of a person.

30. A person is eligible for the appropriate social protection benefit under this Act, if the person—

Eligibility for social protection.

- (a) is a Kenyan citizen;
- (b) is a non- Kenyan citizen in an emergency situation;
- (c) falls within the categories of beneficiaries specified in section 28; and
- (d) complies with any requirements or conditions prescribed by the Cabinet Secretary in regulations including income thresholds, means testing, age limits, health status, disabilities and care dependency.

31. (1) A beneficiary or his representative may apply to the Board for a social protection benefit.

Application for social protection.

(2) The Board shall upon receiving an application made under subsection (1) conduct an assessment to verify that the applicant is eligible for the social protection benefit applied for.

(3) If the applicant qualifies for a social protection benefit as provided for under this Act, the Board shall register the applicant as a beneficiary and render the appropriate social protection benefit.

(4) If the applicant does not qualify for a social protection benefit provided under this Act, the Board shall inform the applicant of the decision.

(5) The Board shall convey its decision to the applicant in writing.

32. (1) An applicant who is aggrieved by the decision of the Board may apply to the Board for review of its decision within fourteen days from the date of the decision.

Review of decisions of the Board.

(2) The Board may establish a committee comprising not more than five of its members to consider reviews under this section.

(3) The Board may, upon review of its decision, uphold, annul or vary the decision as necessary.

33. An applicant who is aggrieved by the decision of the Board may appeal to the High Court within thirty days of the decision. Appeals.

34. (1) A beneficiary of a social protection benefit under this Act has the right to— Rights and obligations of a beneficiary.

- (a) information on the available social protection interventions and the eligibility criteria;
- (b) provide informed consent for the collection of his personal data for the purpose of providing social protection benefits under this Act;
- (c) be treated with dignity and without any form of discrimination; and
- (d) have his complaints and grievances handled by the Board in an expeditious, efficient, lawful, reasonable and procedurally fair manner.

(2) A beneficiary of a social protection benefit under this Act has the duty to—

- (a) provide accurate information to the Board;
- (b) act in good faith and use any social protection benefit responsibly and for the intended purpose;
- (c) promptly notify the Board of any changes in his socio-economic circumstances that may affect his eligibility for the social protection benefit; and
- (d) comply with any conditions that may be imposed in relation to the provision of a social protection benefit.

35. (1) The Board may, if in its opinion a beneficiary or the representative of a beneficiary uses any social protection benefit in a way that negates its intended purpose— Abuse of social protection benefits.

- (a) suspend the provision of the social protection benefit for a specified period, pending investigation and determination of the matter; or
- (b) appoint another person to receive the social protection benefit on behalf of the beneficiary and

to apply it, subject to any conditions that the Board may determine, for the benefit of the beneficiary.

(2) A person who abuses a social protection benefit commits an offence and shall on conviction, be liable to a fine not exceeding one hundred thousand shillings or imprisonment for a term of not exceeding one year or to both.

36. (1) The Board may terminate the provision of a social protection benefit granted to a beneficiary if the beneficiary—

Termination of social protection benefits.

- (a) is absent from Kenya, for a continuous period of twelve months or longer without notification;
- (b) is no longer eligible for the social protection benefit;
- (c) ceases to be a Kenyan resident;
- (d) voluntarily opts out;
- (e) knowingly provides false information or in case of misrepresentation, deceit or fraud;
- (f) the Board determines that the beneficiary is no longer in need of the social protection benefit; or
- (g) any other circumstances that the Cabinet Secretary may prescribe in regulations.

37. (1) Where the Board erroneously pays money to a person who is not entitled to social protection under this Act or the payment to a beneficiary exceeds the amount permitted by the Board and regulations made under this Act—

Refund to the Board.

- (a) the person shall refund the amount of money so paid or, if the person is deceased, his estate shall refund the money; or
- (b) the excess amount of money paid shall be deducted in the subsequent payment made to the beneficiary.

(2) The Board may institute recovery proceedings against any person who receives money from the Board under the circumstances specified in subsection (1).

38. The Board may review the nature and extent of a social protection benefit provided to a beneficiary if it has

Review of social protection benefits.

reason to believe that a change in the socio-economic circumstances of the beneficiary may necessitate adjustments to the social protection benefit provided.

39. The Board may, in consultation with the National Treasury, periodically review the social assistance benefits provided under this Act to accommodate changes in real value.

Indexation of social protection benefits.

40. (1) The Board shall establish a Social Protection Registry which shall be the singular database social protection interventions under this Act.

Social Protection Registry.

(2) The Registry shall—

- (a) be used to maintain an inventory for vulnerable individuals and households in the country;
- (b) provide a platform for applicants to apply for social protection;
- (c) facilitate the selection and registration of beneficiaries for social protection interventions;
- (d) facilitate the coordination of social protection interventions at the national and county levels of government;
- (e) facilitate the monitoring and evaluation of social protection interventions;
- (f) provide data of vulnerable households in the event of shocks or emergencies; and
- (g) facilitate linkage and referral mechanisms for social protection interventions.

(3) The Register shall contain such particulars as may be prescribed in regulations.

(4) The Board shall—

- (a) keep, maintain, and regularly update the Register;
- (b) undertake periodic registration of beneficiaries; and
- (c) facilitate real-time updating of changes in household data through interoperability with the other national registries.

41. Any person who is involved in the handling of data under this Act shall comply with the Data Protection Act.

Data handling.
Cap. 411C.

PART IV—OFFENCES

42. A person who obstructs, hinders or threatens an officer performing functions or exercising the powers conferred under this Act commits an offence and shall on conviction, be liable to a fine not exceeding one hundred thousand shillings or imprisonment for a term not exceeding one year or to both.

Obstruction.

43. A person who knowingly gives false information to the Board or misleads an officer of the Board acting under this Act commits an offence and shall, on conviction, be liable to a fine not exceeding one hundred thousand shillings or imprisonment for a term not exceeding one year or to both.

Giving false information.

44. A person who unlawfully divulges details of a beneficiary or any information obtained under this Act in relation to a beneficiary commits an offence and is liable, on conviction, to a fine not exceeding two hundred thousand shillings or imprisonment for a term not exceeding six months or to both.

Unlawful disclosure of information.

45. Any person who defrauds the Board or conspires, aids or abets another person to defraud the Board commits an offence and shall, on conviction, be liable, to a fine not exceeding two million shillings or to imprisonment for a term not exceeding five years or to both, and any money or property or reward obtained fraudulently shall be forfeited to the Board.

Fraud.

46. A person who misappropriates any funds or assets of the Board, or assists or causes any person to misappropriate or apply the funds otherwise than in the manner provided in this Act, commits an offence and shall, on conviction, be liable to a fine not exceeding one million shillings or imprisonment for a term not exceeding five years or to both.

Misappropriation of funds.

PART V—MISCELLANEOUS PROVISIONS

47. The Cabinet Secretary responsible for the National Treasury shall, pursuant to section 24 of the Public Finance Management Act, establish a Social Protection Fund to facilitate the implementation of this Act.

Social Protection Fund.
Cap. 412A.

48. (1) The Cabinet Secretary may make regulations prescribing anything which under this Act may be prescribed, and generally for the better carrying out of the provisions of this Act.

Regulations.

(2) Without prejudice to the generality of the powers conferred by subsection (1) the regulations may prescribe—

- (a) forms to be used under this Act;
- (b) eligibility criteria for social protection benefits;
- (c) the classification of persons in need of social protection;
- (d) the terms and conditions under which social protection benefits may be granted;
- (e) the norms and standards for the provision of social protection benefits;
- (f) the manner in which registers shall be maintained under this Act, including the details or particulars required to be entered in the registers;
- (g) the protocols and methodologies for targeting beneficiaries;
- (h) the protocols and methodologies for the graduation of beneficiaries of social protection to self-sufficiency;
- (i) grievance handling and case management procedures;
- (j) exit criteria for social protection interventions; and
- (k) the manner of appointment of representatives by beneficiaries or by the Board.

PART VI—REPEAL SAVING AND TRANSITION PROVISIONS

49. The Social Assistance Act is repealed.

Repeal of Cap.
258A.

50. (1) Every person who, immediately before the coming into force of this Act, was an officer or member of staff of the Directorate of Social Assistance or the National Social Protection Secretariat, not being under a notice of dismissal or resignation, shall upon the commencement of this Act become an officer or staff of the Board.

Transition of staff.

(2) Despite subsection (1), an officer or member of staff referred to in subsection (1) shall upon the commencement of this Act, be given an option to elect to serve in the Board or be redeployed in the Public Service within a period of one year.

51. (1) Any obligation or liability subsisting against the Directorate of Social Assistance or the National Social Protection Secretariat immediately before the coming into force of this Act shall, on the commencement of this Act, be an obligation or liability of the Board.

Obligations and liabilities.

(2) All rights, obligations and contracts which, immediately before the coming into operation of this Act, were vested in or imposed on the Directorate of Social Assistance or the National Social Protection Secretariat shall, by virtue of this section, be deemed to be the rights, obligations and contracts of the Board.

52. Any reference to the Directorate of Social Assistance or the National Social Protection Secretariat in any law or in any contract, document or instrument of whatever nature shall, on the commencement of this Act, be read and construed as a reference to the Board.

Reference to the Directorate of Social Assistance or the National Social Protection Secretariat.

53. Upon the commencement of this Act, all funds, assets, and movable and immovable property, which, immediately before the commencement of this Act, were vested in the former Directorate or the former Secretariat, shall vest in the Board.

Vesting of assets.

54. Upon the commencement of this Act, any action, suit or legal proceedings whatsoever pending by or against the Directorate of Social Assistance or the National Social Protection Secretariat shall be carried on or prosecuted by or against the Board, and no such action, suit or legal proceedings shall in any manner abate or be prejudicially affected by the enactment of this Act.

Legal proceedings.

55. Any direction, order, authorization, license or permit issued, or registrations made by the Directorate of Social Assistance or the National Social Protection Secretariat and subsisting or valid immediately before the date of commencement of this Act shall be deemed to have been given, issued or made by the Board under this Act.

Directions, orders, and authorizations.

56. (1) Any social assistance benefit or programme which was provided or implemented by the Directorate of Social Assistance immediately before the commencement of this Act, shall continue to be provided or implemented by the Board.

Transition of
social assistance
benefits,
programmes and
beneficiaries.

(2) A beneficiary of social assistance benefit or programme provided or implemented by the Directorate of Social Assistance immediately before the commencement of this Act shall be deemed to be a beneficiary under this Act.

SCHEDULE

(s.18)

CONDUCT OF BUSINESS AND AFFAIRS OF THE BOARD

Meetings

1. (1) The Board shall meet not less than four times in every financial year, and not more than four months shall elapse between the date of one meeting and the date of the next meeting.

(2) Notwithstanding the provisions of subparagraph (1), the Chairperson shall, upon requisition in writing by at least three members of the Board, convene a special meeting of the Board within fourteen days of receipt of the requisition.

(3) Unless three quarters of the total members of the Board otherwise agree, at least fourteen days' written notice of every meeting of the Board shall be given to every member of the Board.

(4) The quorum for the conduct of the business, of the Board shall be five.

(5) The Chairperson shall preside at every meeting of the Board at which he is present but, in the absence of the Chairperson, the members present shall elect one of their numbers to preside, who shall, with respect to that meeting and the business transacted, have all the powers of the chairperson.

(6) Unless a unanimous decision is reached, a decision on any matter before the Board shall be by a majority of votes of the members present and voting and, in the case of an equality of votes, the Chairperson or the person presiding shall have a casting vote.

(7) Subject to subparagraph (4), no proceedings of the Board shall be invalid by reason only of a vacancy among the members thereof.

Disclosure of Interest by Members of the Board

2. (1) If a member of the Board is directly or indirectly interested in any contract, proposed contract or other matter before the Board and is present at a meeting of the Board at which the contract, proposed contract or other matter is the subject of consideration, that member shall, at the meeting and as soon as practicable after the commencement thereof, disclose the fact and shall not take part in the consideration or discussion of, or vote on, any questions with respect to the contract or other matter, or be counted in the quorum of the meeting during consideration of the matter:

(2) A disclosure of interest made under this paragraph shall be recorded in the minutes of the meeting at which it is made.

(3) A member of the Board who contravenes subparagraph (1) commits an offence and is liable to imprisonment for a term not exceeding six months, or to a fine not exceeding one hundred thousand shillings, or both.

Minutes

3. The Board shall cause minutes of all resolutions and proceedings of meetings of the Board to be entered in books kept for that purpose.

MEMORANDUM OF OBJECTS AND REASONS

The principal object of the Bill is to reduce poverty and vulnerability and improve the well-being of people by providing assistance, services and programmes that build human capital and cushion people against risks and contingencies throughout their life cycles.

Part I of the Bill provides for preliminary matters such as the interpretation of terms used in the Bill, objects of the Act, the application of the Act, its guiding principles and the role of county governments in the provision of social protection.

Part II of the Bill provides for the establishment of the National Board for Social Protection and defines its composition, functions, powers and its sources of funds. Some of the functions of the Board include advising the Cabinet Secretary on matters relating to social protection, designing, and implementing social protection interventions and programmes, providing social assistance and social care to vulnerable persons, co-ordinating social protection interventions, establishing and maintaining a social protection registry, undertaking civic education on social protection, periodically undertaking indexation of social assistance benefits in collaboration with the National Treasury and undertaking resource mobilisation for social protection interventions.

Part III of the Bill provides for the administration of social protection benefits. It outlines the categories of persons who may be granted social protection benefits, the types of social protection benefits offered under the Act, the eligibility criteria and the procedure for applying for the benefits. It also provides for reviews and appeals against the decisions of the Board, the rights and obligations of beneficiaries, the consequences of abusing social protection benefits and the circumstances under which social protection benefits may be terminated or refunds made to the Board. This Part also provides for the review of social protection benefits, the indexation of social protection benefits and the establishment of a social protection registry.

Part IV of the Bill provides for offences. The offences created under this part include the prohibition of obstruction, the prohibition of persons from giving false information, unlawful disclosure of information, fraud and misappropriation of funds.

Part V of the Bill provides for miscellaneous matters such as the establishment of the Social Assistance Fund under the Public Finance Management Act and the power of the Cabinet Secretary to make Regulations.

Part V of the Bill provides for the repeal of the Social Assistance Act, the transition of staff, obligations and liabilities, assets, legal proceedings social assistance benefits, programmes and beneficiaries from the Directorate of Social Assistance and the National Social Protection Secretariat to the Board upon commencement of the Act.

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

The Bill confers on the Cabinet Secretary the powers to make regulations under the Act to operationalize the Act and to implement the objectives. The Bill does not limit any fundamental rights or freedoms.

Indication of whether the Bill concerns County Governments

The Bill seeks to provide a frame work for social protection. The Bill provides that the county governments shall collaborate with the national government in the provision of social protection interventions. It provides for the role of the county governments in the administration and provision of social protection in collaboration with the national government.

In view of this, the Bill does concern county governments in terms of Article 110 (1) (a) of the Constitution as it does affect the functions and powers of county governments recognized in the Fourth Schedule to the Constitution.

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 12th March, 2025.

KIMANI ICHUNG'WAH,
Leader of the Majority Party.