

(Legislative Supplement No. 6)

✓ LEGAL NOTICE NO. 11

THE GOVERNMENT FINANCIAL MANAGEMENT ACT,
2004

(No. 5 of 2004)

IN EXERCISE of the powers conferred by sections 26 and 35 of the Government Financial Management Act, 2004 the Minister for Finance makes the following Regulations:—

THE GOVERNMENT FINANCIAL MANAGEMENT
(HUMANITARIAN FUND FOR MITIGATION OF EFFECTS
AND RESETTLEMENT OF VICTIMS OF POST-2007
ELECTION VIOLENCE) REGULATIONS, 2008

1. These Regulations may be cited as the Government Financial Management (Humanitarian Fund for Mitigation of Effects and Resettlement of Victims of Post-2007 Election Violence) Regulations, 2008.

2. In these Regulations, unless the context otherwise requires—

“Board” means the Advisory Board constituted under regulation 6;

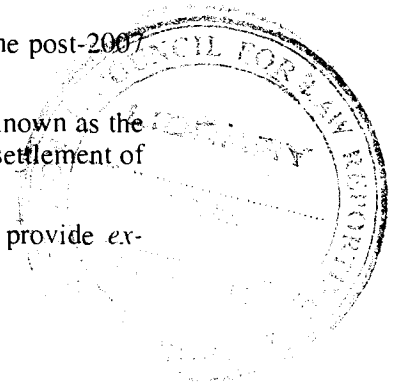
“Fund” means the Humanitarian Fund for Mitigation of Effects and Resettlement of Victims of Post-2007 Election Violence established under regulation 3;

“Minister” means the Minister for the time being responsible for special programmes; and

“victim” means a person adversely affected by the post-2007 election violence as the Board may determine.

3. (1) There is hereby established a Fund to be known as the Humanitarian Fund for Mitigation of Effects and Resettlement of Victims of Post-2007 Election Violence.

(2) The object and purpose of the Fund is to provide *ex-gratia* funding for—



- (a) the re-settlement of persons displaced as a result of post-2007 election violence;
- (b) the replacement of basic household effects destroyed as a result of post-2007 election violence;
- (c) enabling the victims of the post-2007 election violence re-start their basic livelihood;
- (d) the reconstruction of basic housing, rehabilitation of community utilities and institutions destroyed as a result of post-2007 election violence.

4. The Fund shall consist of—

- (a) monies appropriated by Parliament;
- (b) grants and donations.

5. The initial capital of the Fund shall be Kshs. 1 billion.

6. (1) There is hereby established a Board to be known as the Advisory Board which shall consist of—

- (a) the Permanent Secretary of the Ministry for the time being responsible for special programmes;
- (b) the Permanent Secretary of Ministry for the time being responsible for finance;
- (c) the Permanent Secretary of Ministry for the time being responsible for lands; and
- (d) ~~four~~^{Six} other persons appointed by the President, one of whom shall be the chairperson.

(2) The Board shall—

- (a) report to the Minister for the time being responsible for special programmes;
- (b) advise the Minister generally for the effective operations of the Fund.

7. The expenditure incurred on the Fund shall be on the basis of work programmes and cost estimates which shall be prepared by the Permanent Secretary of the Ministry for the time being responsible for special programmes in consultation with the Board.

8. (1) The Permanent Secretary of the Ministry for the time being responsible for special programmes shall—

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- (a) open and operate a bank account at a bank to be approved by the Treasury;
- (b) supervise and control the administration of the Fund;
- (c) consult with the Board on matters relating to the administration of the Fund;
- (d) cause to be kept books of accounts and other books and records in relation to the Fund of all activities and undertakings financed from the Fund;
- (e) prepare, sign and transmit to the Controller and Auditor-General, in respect of each financial year and within three months after the end thereof, a statement of accounts relating to the Fund and showing the expenditure incurred from the Fund, and such details as the Minister for the time being responsible for finance may from time to time direct, in accordance with the provisions of the Public Audit Act, 2003; and
- (f) furnish such additional information as he may deem to be proper and sufficient for the purpose of examination and audit by the Controller and Auditor-General in accordance with the provisions of the Public Audit Act, 2003.

(2) Every statement of account shall include details of the balance between the assets and liabilities of the Fund, and shall indicate the financial status of the Fund as at the end of the financial year concerned.

9. Existing Government financial, audit and procurement regulations and procedures shall apply in the administration of the Fund.

10. In the event of winding up of the Fund, the cash balances shall be transferred to the Exchequer while other assets of the Fund shall be transferred to the Government.

Dated the 30th January, 2008.

AMOS KIMUNYA,
Minister for Finance.