

SPECIAL ISSUE

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REPUBLIC OF KENYA

KENYA GAZETTE SUPPLEMENT

NATIONAL ASSEMBLY BILLS, 2019

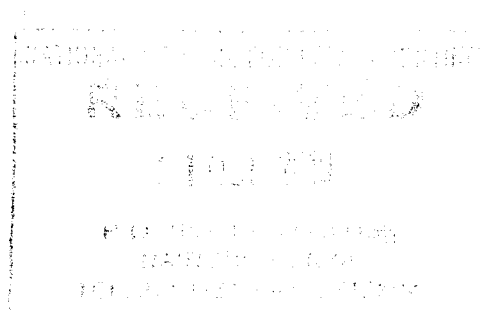
NAIROBI, 14th October, 2019

CONTENT

Bill for Introduction into the National Assembly—

PAGE

The Anti-Corruption and Economic Crimes (Amendment) Bill, 2019 1123



**THE ANTI-CORRUPTION AND ECONOMIC
CRIMES (AMENDMENT) BILL, 2019**

A Bill for

**AN ACT of Parliament to amend the Anti-Corruption
and Economic Crimes Act**

ENACTED by the Parliament of Kenya, as follows—

1. This Act may be cited as the Anti-Corruption and Economic Crimes (Amendment) Act, 2019.

Short title.

2. The Anti-Corruption and Economic Crimes Act (in this Act referred to as the “principal Act”) is amended by inserting the following new section immediately after section 50—

Insertion of a new section into No. 3 of 2003.

Personal Liability for loss of public property

50A. (1) A person who is convicted of an offence of corruption or economic crime and who was involved in the management of a public company, institution or state organ that suffered pecuniary loss as a result of that corruption or economic crime shall be personally liable for such loss.

(2) A person who is personally liable under this section is jointly and severally liable in respect of losses incurred by the public company, institution or state organ with any other person who is so liable.

3. Section 64 of the principal Act is amended in subsection (1) by deleting the words “for ten years after the conviction” and substituting therefor the words “or a state officer”.

Amendment of section 64 of No. 3 of 2003

MEMORANDUM OF OBJECTS AND REASONS

Statement of Objects and Reasons for the Bill

The principal object of this Bill is to amend the Anti-Corruption and Economic Crimes Act to hold managers, Chief Executive Officers, Directors of public institutions personally liable for running down institutions. Further, it seeks to completely bar anyone convicted of an offence under the Act from holding office as a public or state officer.

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

The Bill does not delegate legislative powers nor does it limit fundamental rights and freedoms.

Statement that the Bill does not concern County Governments

The Bill does not concern County Governments in terms of Article 110 (1) (a) of the Constitution and it does not 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 will not occasion additional expenditure of public funds.

Dated the 11th October, 2019.

SILAS KIPKOECH TIREN,
Member of Parliament.

Section 64 of No. 3 of 2003 which the Bill proposes to amend—

64. Disqualification if convicted of corruption or economic crime

(1) A person who is convicted of corruption or economic crime shall be disqualified from being elected or appointed as a public officer for ten years after the conviction.

(2) This section does not apply with respect to an elected office if the Constitution sets out the qualifications for the office.

(3) This section does not apply with respect to a conviction that occurred before this Act came into operation.

(4) At least once a year the Commission shall cause the names of all persons disqualified under this section to be published in the Gazette.

