

SPECIAL ISSUE

Kenya Gazette Supplement No. 162 (Senate Bills No. 49)



REPUBLIC OF KENYA

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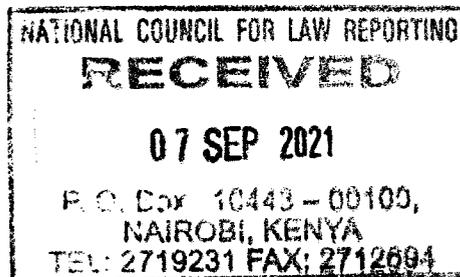
SENATE BILLS, 2021

NAIROBI, 20th August, 2021

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**THE SOCIAL ASSISTANCE (AMENDMENT) BILL,
2021**

A Bill for

AN ACT of Parliament to amend the Social Assistance Act to provide social assistance to caregivers of persons with disabilities and for connected purposes

ENACTED by the Parliament of Kenya, as follows—

1. This Act may be cited as the Social Assistance (Amendment) Act, 2021.

Short title.

2. Section 17 of the Social Assistance Act, herein referred as the Principal Act, is amended in subsection (3) by inserting the following new paragraph immediately after paragraph (f)—

Amendment of section 17 of No. 24 of 2013.

(fa)care givers of persons with disabilities;

3. The principal Act is amended by inserting the following new section immediately after section 23—

Insertion of section 23A of No. 24 of 2013.

Care giver of persons with disabilities.

23A. (1) A care giver of a person with disability shall be eligible for social assistance under this Act if the care giver takes care of a person with a disability under section 23.

(2) The Authority shall, in consultation with the National and county governments, put measures to ensure that caregivers of persons with disabilities—

- (a) receive specialised training on the care of persons with disabilities;
- (b) undergo counselling; and
- (c) receive support necessary to engage in income-generating activities.

(3) The Authority shall in consultation with the National Council for Persons with Disabilities and county governments register

No. 14 of 2003.

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- (a) care givers of persons with disabilities; and
 - (b) institutions, associations and organisations, including those controlled and managed by the National and county governments, that provide services for the caregivers of persons with disabilities;

MEMORANDUM OF OBJECTS AND REASONS

Statement of the Objects and Reasons for the Bill

The principal objective of this Bill is to amend the Social Assistance Act, 2013 to include caregivers of persons with disabilities among the beneficiaries who receive social assistance from the State.

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

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

Statement on how the Bill concerns county governments

The Bill concerns county governments in terms of Article 110(1) (a) of the Constitution, as it will compel the National Government, together with the county governments to formulate a policy framework for the recognition, training, empowerment and protection for caregivers of persons with disabilities. The National government is expected to develop the national policy framework while the county governments are expected to implement them.

Statement that the Bill is not a money Bill within the meaning of Article 114 of the Constitution

This Bill is not a money Bill within the meaning of Article 114 of the Constitution since its enactment shall not occasion any additional expenditure of public funds to be provided through the estimates.

Dated the 25th June, 2021.

MILLICENT OMANGA,
Senator.

Section 17 of No. 24 of 2013 that the Bill proposes to amend—

17. Social assistance to persons in need

(1) The Authority shall, in accordance with this Act, provide social assistance to persons in need.

(2) The Minister shall, in consultation with the Authority determine and Gazette the categories from which persons with need are to be drawn.

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

- (a) orphans and vulnerable children;
- (b) poor elderly persons;
- (c) unemployed persons;
- (d) persons disabled by acute chronic illnesses;
- (e) widows and widowers;
- (f) persons with disabilities; and
- (g) any other persons as may from time to time be determined by the Minister, in consultation with the Board.

(4) To qualify for social assistance a person must meet the criteria set out in this Part.

