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**THE MILITARY VETERANS ACT**

CHAPTER 199A

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**CHAPTER 199A**

**MILITARY VETERANS ACT**

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**CHAPTER 199A**

**MILITARY VETERANS ACT**

[Date of assent: 16th June, 2022.]

[Date of commencement: 4th July, 2022.]

**An Act of Parliament to establish a regulatory and institutional framework for the management of military veterans' affairs; for the provision of benefits to military veterans and military veterans' dependants; to establish the Dependants' Education Fund; and for connected purposes**

[Act No. 18 of 2022.]

**PART I – PRELIMINARY**

**1. Short title.**

This Act may be cited as the Military Veterans Act.

**2. Interpretation.**

In this Act, unless the context otherwise requires—

"Advisory Committee" means the Advisory Committee on Military Veterans established by section 10;

"benefit" means any benefit contemplated in section 6;

"Cabinet Secretary" means the Cabinet Secretary responsible for matters relating to military veterans;

"child" means a child of a Kenya military veteran under the age of eighteen years;

"Defence Council" means the Defence Council established under Article 241(5) of the Constitution;

"dependant", in relation to a military veteran, means the spouse or child of a military veteran;

"Director" means the Director of Military Veterans appointed under section 8; and

"educational institution" means a—

- (a) secondary school;
- (b) technical or vocational institution; or
- (c) college or university.

**3. Principal objects of the Act.**

The principal objects of this Act are to establish—

- (a) a regulatory and institutional framework for the management of military veterans' affairs;
- (b) a regulatory and institutional framework for the provision of benefits to military veterans and military veterans' dependants; and
- (c) the Dependants' Education Fund.

**4. Guiding principles of the Act.**

(1) For the purposes of this Act, the following shall be the guiding principles relating to military veterans—

- (a) the sacrifices made by military veterans during military service and their role in the protection of national boundaries, and the security and integrity of Kenya shall be honoured;
- (b) military veterans who suffer from physical or mental disability that arise from their military service shall be given special benefits; and
- (c) Government ministries, departments and agencies involved with military veterans shall co-operate with the Ministry responsible for matters relating to military veterans for the benefit of military veterans.

(2) Policies regarding military veterans shall be aimed at—

- (a) recognising and honouring military veterans;
- (b) ensuring the smooth and seamless transition of military veterans from military service to civilian life;
- (c) restoring the capability of military veterans with disabilities to the greatest extent possible;
- (d) improving the quality of life of military veterans and their dependants; and
- (e) facilitating effective access to benefits and services for military veterans.

(3) Funds relating to military veterans shall be managed in accordance with the following principles—

- (a) transparency, accountability and integrity;
- (b) prudent and responsible use of funds;
- (c) responsible financial management and clear fiscal reporting;
- (d) observance of social responsibility;
- (e) engagement in sustainable income-generating activities with value for money; and
- (f) continuous system improvement and adaptability responsiveness.

**PART II – MILITARY VETERANS' BENEFITS****5. Military veterans.**

(1) A Kenyan citizen shall be regarded as a military veteran for the purposes of this Act if that Kenyan citizen—

- (a) has served in the Kenya Defence Forces;
- (b) became a member of the Kenya Armed Forces after 1963;
- (c) served in the King's African Rifles before 1963;
- (d) has completed service in the Armed Forces or Kenya Defence Forces;
- (e) receives a pension from the Armed Forces or Kenya Defence Forces; and
- (f) has not been dishonourably discharged from military service.

(2) Despite subsection (1), a person who was discharged or retired from the Armed Forces or Kenya Defence Forces on medical grounds shall, whether or not that person receives a pension, be regarded as a military veteran.

**6. Benefits.**

(1) Subject to the provisions of this Act, the following benefits may be conferred on a military veteran—

- (a) counselling and treatment for post-traumatic stress or related conditions;
- (b) physical rehabilitation for any condition arising out of military service;
- (c) honouring and memorialising fallen military veterans;
- (d) education, training and skills development;
- (e) facilitation or advice on employment placement; and
- (f) facilitation or advice on business opportunities.

(2) Subject to the provisions of this Act, the following benefits may be conferred on a military veteran's dependants—

- (a) counselling and treatment for post-traumatic stress or related conditions;
- (b) facilitation or assistance in education placement for children of military veterans;
- (c) facilitation or advice on employment placement;
- (d) facilitation or advice on business opportunities.

(3) The Defence Council shall, subject to any Regulations that may be prescribed in this regard, facilitate the provisions of benefits under this section to military veterans and their dependants through the Ministry responsible for matters relating to military veterans, any other Government ministry, department or agency, or a private entity.

(4) Any Government ministry, department or agency that is responsible for the payment or provision of a benefit under this section shall co-operate with the Ministry responsible for matters relating to military veterans in respect of the payment or provision of the benefits.

(5) For the purposes of subsection (4), the Principal Secretary in the Ministry responsible for matters relating to military veterans may, in consultation with the Cabinet Secretary responsible for matters relating to finance, enter into service level agreements with a relevant Government ministry, department or agency for the facilitation of the payment or provision of benefits under this section.

**PART III – ADMINISTRATION****7. Powers of the Defence Council.**

The Defence Council shall—

- (a) develop a policy on military veterans;
- (b) consider proposals by the Cabinet Secretary, the Chief of Defence Forces or the Director regarding the policy on military veterans, funding and budgeting in connection with military veterans' affairs;
- (c) commission research or studies on any issue affecting military veterans;
- (d) promote the implementation of programmes relating to military veterans' affairs under this Act; and
- (e) take such steps as may be necessary for the achievement of the objects of this Act.

**8. Director of Military Veterans.**

(1) There shall be a Director of Military Veterans who shall be appointed by the Defence Council.

(2) The Director shall serve under the supervision of the Chief of Defence Forces.

(3) The Defence Council may revoke the appointment of the Director or redeploy the Director.

**9. Functions of the Director.**

The Director shall—

- (a) provide administrative services and facilities to the Advisory Committee in the performance of its functions;
- (b) investigate any submission, inquiry or complaint relating to the benefits of military veterans or military veterans' dependants;
- (c) prepare a report on the findings of an investigation under paragraph (b) and share the report together with recommendations thereon with the military veteran, the military veteran's dependant, Cabinet Secretary, Chief of Defence Forces or Advisory Committee as may be appropriate;
- (d) with respect to an investigation under paragraph (b), provide the military veteran, the military veteran's dependant, Cabinet Secretary, Chief of Defence Forces or Advisory Committee as may be appropriate with appropriate advice or assistance;
- (e) develop strategies and programmes to facilitate the progressive realisation of benefits to military veterans and military veterans' dependants under this Act;
- (f) make recommendations to the Defence Council regarding military veterans' affairs;
- (g) co-ordinate the implementation of policies relating to military veterans' affairs, report to the Chief of the Defence Forces on the implementation of the policies and make recommendations thereon for consideration by the Defence Council;
- (h) identify legislative and administrative interventions required for the reduction or elimination of disparities or discrimination regarding the treatment of military veterans or military veterans' dependants;
- (i) with the approval of the Cabinet Secretary, consult other relevant authorities, persons, organisations or institutions concerned with military veterans' affairs in order to achieve the objects of this Act;
- (j) collect, manage and update data and information from any relevant authority, person, organisation or institution concerned with military veterans' affairs;
- (k) assist military veterans or military veterans' dependants in filing applications for review to the Pensions Assessment Committee and Pensions Appeals Committee; and
- (l) perform any other functions as may be directed by the Defence Council for the achievement of the objects of this Act.



**10. Establishment of the Advisory Committee.**

(1) There shall be established an advisory committee to be known as the Advisory Committee on Military Veterans.

(2) The Advisory Committee shall comprise—

- (a) a Chairperson appointed by the President on the recommendation of the Defence Council ;
- (b) three nominees appointed by the Defence Council, each being a military veteran from Kenya Army, Kenya Air Force and the Kenya Navy; and
- (c) six other members appointed by the Defence Council.

(3) An appointment under this section shall be by name and notice in the *Gazette*.

(4) In making appointments under subsection (2)(b) and (c), the Defence Council shall ensure that—

- (a) not more than two-thirds of the members of the Advisory Council are of the same gender; and
- (b) at least one member each shall be a retired senior officer, junior officer and service member.

(5) The Director shall be the secretary to the Advisory Committee.

**11. Qualifications of members of the Advisory Committee.**

A person shall be qualified to be appointed as the Chairperson or member of the Advisory Committee if that

person—

- (a) in the case of the Chairperson, is a retired general officer of the Armed Forces or Kenya Defence Forces;
- (b) in the case of a member appointed under section 10(2)(b) and (c), is a military veteran; and
- (c) meets the requirements of Chapter Six of the Constitution.

**12. Filing vacancies in the Advisory Committee.**

(1) Whenever a vacancy occurs in the Advisory Committee, the Defence Council shall, by notice in at least two newspapers with a national circulation, invite applications from qualified persons for appointment as members of the Advisory Committee.

(2) Any person who is interested in being appointed as a member of the Advisory Committee shall apply in writing to the Principal Secretary in the Ministry responsible for matters relating to military veterans within twenty-one days from the date of the notice under subsection (1).

(3) An application under subsection (2) shall contain—

- (a) full personal and career particulars of the applicant;
- (b) the reasons and motivation for the application; and
- (c) any other particulars that may be specified in the notice under subsection (1).

(4) With regards to the appointment of the Chairperson of the Advisory Committee, the Defence Council shall prepare and submit to the President a

shortlist of three names within seven days from the end of the period specified in subsection (2) and the President shall appoint one of them to be the Chairperson.

(5) With regards to the appointment of the members of the Advisory Council under section 10(2)(b) and (c), the Defence Council shall appoint the successful applicant within seven days from the end of the period specified in subsection (2) and notify the successful applicant in writing.

### **13. Tenure of members of the Advisory Committee.**

(1) The Chairperson and members of the Advisory Committee shall hold office on a part-time basis.

(2) The Chairperson and members of the Advisory Committee shall hold office for a period not exceeding four years and shall not be eligible for re-appointment.

(3) In appointing the members of the Advisory Committee, the Defence Council shall ensure that the tenure of not more than half of the members of the Advisory Committee does not end at the same time.

### **14. Remuneration and allowances of the members of the Advisory Committee.**

The Chairperson and members of the Advisory Committee shall be paid such remuneration and allowances as the Defence Council shall, on the advice of the Salaries and Remuneration Commission, determine.

### **15. Removal from office.**

(1) The President, in the case of the Chairperson, or the Defence Council, in the case of any other member, may remove the Chairperson or member of the Advisory Committee from office on the ground of misconduct, incapacity or incompetence.

(2) Before the Chairperson or a member of the Advisory Committee is removed from office, he or she shall be afforded a reasonable opportunity to make representations on the reasons why he or she should not be removed from office.

(3) Where the President intends to remove the Chairperson from office or the Defence Council intends to remove a member of the Advisory Committee from office, the President or Defence Council may, as the case may be, suspend the Chairperson or member from office pending his or her removal during which the Chairperson or member may make representations in accordance with subsection (2).

### **16. Vacancy.**

(1) A vacancy may occur in the office of Chairperson or a member of the Advisory Committee if the holder of the office—

- (a) resigns in writing to the appointing authority;
- (b) is removed from office in accordance with this Act; or
- (c) dies.

(2) Where the Chairperson or member intends to resign from office, he or she shall give a notice of at least three months.

(3) In the case of a resignation, the appointing authority may, for good cause, accept a shorter notice than the one specified in subsection (2).

### **17. Functions of the Advisory Committee.**

The Advisory Conunittee shall—

- (a) advise the Defence Council on any matter relating to the policy relating to military veterans;
- (b) on its own initiative or on the request of the Cabinet Secretary or Defence Council, make recommendations to the Defence Council, Cabinet Secretary or Director on any matter relating to military veterans or military veteran's dependants;
- (c) on the request of the Defence Council or Cabinet Secretary, conduct research on any matter relating to military veterans or military veteran's dependants; and
- (d) perform any other functions as directed by the Defence Council necessary for the achievement of the objects of this Act.

**18. Reports of the Advisory Committee.**

Within ninety days after the end of the financial year, the Advisory Committee shall submit to the Defence Council a report on its activities during the preceding year.

**19. Meetings of the Advisory Committee.**

(1) The first meeting of the Advisory Committee after the commencement of this Act shall be held on such a date and time and at such a place as the Cabinet Secretary shall determine.

(2) Each meeting of the Advisory Committee shall be held on such a date and time and at such a place as the Chairperson, in consultation with the Cabinet Secretary, shall determine and not more than three months shall elapse between each meeting of the Advisory Committee.

(3) The decisions of the Advisory Committee shall be by a majority vote of the members present and voting and in case of an equality of votes, the Chairperson shall cast the deciding vote in addition to his or her deliberative vote.

(4) The quorum at the meetings of the Advisory Committee shall be four members.

(5) Any member who has any personal interest in a matter before the Advisory Committee shall disclose the interest and shall not participate in the proceedings of the Advisory Committee when that matter is being considered.

(6) The Advisory Committee shall, save as otherwise provided in this Act, determine its own procedure.

**PART IV – DEPENDANTS' EDUCATION FUND****20. Dependants' Education Fund.**

(1) The Defence Council shall establish a fund to be known as the Dependants' Education Fund to provide scholarships for the education of the children of deceased military veterans.

(2) The Defence Council shall prescribe Regulations for the administration of the Fund including the procedure for processing applications for scholarships from the Fund.

(3) All receipts, earnings and accruals to the Fund, and the balance of the Fund at the close of each financial year, shall be retained by the Fund for use for the purpose for which the Fund has been established.

(4) The Fund shall be established and administered in accordance with the provisions of the Public Finance Management Act (Cap. 412A).

PART V – REGULATIONS

**21. Regulations.**

(1) The Defence Council may make Regulations generally for the better carrying out of the provisions of this Act.

(2) Despite the generality of subsection (1), the Regulations made under this section may provide for—

- (a) the manner of accessing any benefit provided under this Act; and
  - (b) any matter required or permitted to be prescribed by or in accordance with this Act.
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