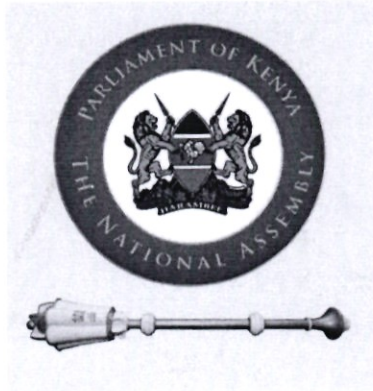


PARLIAMENT
OF KENYA
LIBRARY




Approved
SMA
28/11/24

THE NATIONAL ASSEMBLY
THIRTEENTH PARLIAMENT – THIRD SESSION – 2024

DIRECTORATE OF DEPARTMENTAL COMMITTEES
DEPARTMENTAL COMMITTEE ON SOCIAL PROTECTION

REPORT OF THE DEPARTMENTAL COMMITTEE ON SOCIAL
PROTECTION ON ITS CONSIDERATION OF
THE SOCIAL ASSISTANCE (AMENDMENT) BILL
(NATIONAL ASSEMBLY BILL NO. 80 OF 2023)

 THE NATIONAL ASSEMBLY PAPERS LAID					
DATE: 28 NOV 2024					
<table border="1" style="width: 100%;"> <tr> <td style="width: 80%;"></td> <td style="width: 20%; text-align: center;">DAY.</td> </tr> <tr> <td></td> <td style="text-align: center;">Thur</td> </tr> </table>			DAY.		Thur
	DAY.				
	Thur				
TABLED BY:	Hon. Alice Ngunjiri, CBS, MP Chairperson, DC on Social Protection				
THE TABLE:	Vivian Wambui				

CLERKS CHAMBERS
DIRECTORATE OF DEPARTMENTAL COMMITTEES
PARLIAMENT BUILDINGS
NAIROBI

November 2024

TABLE OF CONTENTS

<i>LIST OF ABBREVIATIONS AND ACRONYMS</i>	3
<i>LIST OF ANNEXURES</i>	4
<i>CHAIRPERSON'S FOREWORD</i>	5
<i>PART ONE</i>	6
1 PREFACE	6
1 1 ESTABLISHMENT OF THE COMMITTEE	6
1 2 MANDATE OF THE COMMITTEE.....	6
1 3 COMMITTEE MEMBERSHIP	7
1 4 COMMITTEE SECRETARIAT	8
<i>PART TWO</i>	9
3 OVERVIEW OF THE SOCIAL ASSISTANCE (AMENDMENT) BILL, 2023 (NATIONAL ASSEMBLY BILL NO. 80 OF 2023)	9
3 1 INTRODUCTION	9
<i>PART THREE</i>	10
4 PUBLIC PARTICIPATION/STAKEHOLDERS CONSULTATION	10
4 1 Submissions by the Stakeholders	10
<i>PART FIVE</i>	14
5 COMMITTEE RECOMMENDATIONS	14
<i>REFERENCES</i>	15

LIST OF ABBREVIATIONS AND ACRONYMS

CRBH	Coast Region Budget Hub
NSAA	National Social Assistance Authority
PFM	Public Finance Management
PTPRs	Presidential Task Force on Parastatal Reforms
SDSP	State Department for Social Protection

LIST OF ANNEXURES

1. Report Adoption Schedule
2. Committee Minutes
3. Copy of the newspaper advertisement on public participation
4. Letters inviting stakeholders to meetings with the Committee
5. Stakeholders' submissions

CHAIRPERSON'S FOREWORD

This report contains proceedings of the Departmental Committee on Social Protection on its consideration of the Social Assistance (Amendment) Bill, 2023 (National Assembly Bill No. 80 of 2023), which is sponsored by the Hon. Peter Francis Masara, MP. The Bill underwent First Reading on 11th April 2024 and was thereafter committed to the Departmental Committee on Social Protection for consideration and reporting to the House pursuant to the provision of Standing Order 127(1).

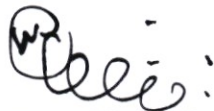
The Bill seeks to amend the Social Assistance Act, No. 24 of 2013 to, among other things, require the Social Assistance Authority to collaborate with county governments to provide social services to elderly persons in all counties; to provide for social assistance to persons earning low wages; and to require the Cabinet Secretary in consultation with the Social Assistance Authority to regularly review the intervals for payment and the amount of social assistance payable to eligible persons to reflect the change in the cost of living.

Following placement of advertisements in the print media on 16th April 2024 seeking public and stakeholder views on the Bill pursuant to Article 118(1)(b) of the Constitution and Standing Order 127(3), the Departmental Committee on Social Protection received memoranda from the Coast Region Budget Hub, the Ministry of Labour and Social Protection, as well as from the Mover of the Bill, Hon. Peter Francis Masara, MP.

The Committee is grateful to the Offices of the Speaker and the Clerk of the National Assembly for the logistical and technical support accorded to it during its sittings. The Committee further wishes to thank the Principal Secretary, State Department for Social Protection and Senior Citizens Affairs, Ms. Josephine Nyamai of the Coast Region Budget Hub, and the Mover of the Bill, Hon. Peter Francis Masara, MP who made their respective submissions on the Bill. Finally, I wish to express my appreciation to the Honourable Members of the Committee and the Committee Secretariat who made valuable input during consideration of the Bill and production of this report.

On behalf of the Departmental Committee on Social Protection and pursuant to provisions of Standing Order 199(6), it is my pleasant privilege and honour to present to this House the Report of the Committee on its consideration of The Social Assistance (Amendment) Bill, 2023.

I thus wish to table this Report on The Social Assistance (Amendment) Bill, 2023 (National Assembly Bill No. 80 of 2023) in this Honourable House, with the recommendation that the Bill **be approved without amendments.**



The Hon. Alice Wambui Ng'ang'a, CBS, M.P.
Chairperson, Departmental Committee on Social Protection

PART ONE

1 PREFACE

1.1 ESTABLISHMENT OF THE COMMITTEE

1. The Departmental Committee on Social Protection is one of the twenty Departmental Committees of the National Assembly established under **Standing Order 216** whose mandate pursuant to the **Standing Order 216 (5)** is as follows:

- i. To investigate, inquire into, and report on all matters relating to the mandate, management, activities, administration, operations and estimates of the assigned ministries and departments;*
- ii. To study the programme and policy objectives of Ministries and departments and the effectiveness of their implementation;*
- iii. On a quarterly basis, monitor and report on the implementation of the national budget in respect of its mandate;*
- iv. **To study and review all the legislation referred to it;***
- v. To study, assess and analyse the relative success of the Ministries and departments as measured by the results obtained as compared with their stated objectives;*
- vi. To investigate and inquire into all matters relating to the assigned Ministries and departments as they may deem necessary, and as may be referred to them by the House;*
- vii. To vet and report on all appointments where the Constitution or any law requires the National Assembly to approve, except those under Standing Order 204 (Committee on appointments);*
- viii. To examine treaties, agreements and conventions;*
- ix. To make reports and recommendations to the House as often as possible, including recommendation of proposed legislation;*
- x. To consider reports of Commissions and Independent Offices submitted to the House pursuant to the provisions of Article 254 of the Constitution; and*
- xi. To examine any questions raised by Members on a matter within its mandate.*

1.2 MANDATE OF THE COMMITTEE

2. In accordance with the Second Schedule to the Standing Orders, the Committee is mandated to consider, social welfare and security, pension matters, gender affairs, equality and affirmative action, affairs of children, youth, persons with disability and senior citizens.
3. In executing its mandate, the Committee oversees the following State departments and Commission;
 - i. The State Department for Social Protection and Senior Citizen Affairs
 - ii. The State Department for Gender and Affirmative Action
 - iii. The State Department for Youth Affairs and Creative Economy
 - iv. The State Department for Public Service (NYS)
 - v. The National Gender and Equality Commission (NGEC)

1.3 COMMITTEE MEMBERSHIP

4. The Departmental Committee on Social Protection was constituted by the House on 27th October 2022 and comprises of the following Honourable Members:

Chairperson

Hon. Alice Wambui Ng'ang'a, CBS, MP
Thika Town Constituency

UDA Party

Vice-Chairperson

Hon. Hillary Kiplang'at Koskei, MP
Kipkelion West Constituency

UDA Party

Hon. (Dr) James Wambura Nyikal, MP
Seme Constituency

ODM Party

Hon Timothy Wanyonyi Wetangula, MP
Westlands Constituency

ODM Party

Hon (Dr) Lilian Achieng Gogo, MP
Rangwe Constituency

ODM Party

Hon. Mark Ogolla Nyamita, MP
Uriri Constituency

ODM Party

Hon Edith Vethi Nyenze, MP
Kitui West Constituency

WDM-K PARTY

Hon Betty Njeri Maina, MP
Murang'a County

UDA PARTY

Hon Michael Wambugu Wainaina, MP
Othaya Constituency

UDA Party

Hon Sulekha Hulbale Harun, MP
Nominated Member

UDM Party

Hon. Amina Abdullahi Dika, MP
Tana River County

KANU PARTY

Hon Hussein Abdi Barre, MP
Tarbaj Constituency

UDA Party

Hon Susan Nduyo Ngugi, MP
Tharaka Nithi County

TSP PARTY

Hon. Agnes Mantaine Pareiyo, MP
Narok North Constituency

JUBILEE PARTY

Hon Linet Chepkorir, MP
Bomet County

UDA PARTY

1.4 COMMITTEE SECRETARIAT

5. The Committee is facilitated by the following Parliamentary staff:

Mr. Finlay Muriuki
Lead Clerk/ Head of Secretariat

Mr. Ahmednoor Hassan
Clerk Assistant III

Ms. Jemimah Waigwa
Legal Counsel

Mr. Adan Ahmed Abdi
Fiscal Analyst II

Ms. Grace Maneno
Research Officer III

Mr. Benjamin Ochutsi
Hansard Officer III

Ms. Naomi Onsomu
Public Communications Officer

Mr. Derrick Kathurima
Media Relations Officer

Mr. Cosmas Akhonya
Audio Recording Officer

Ms. Eva Kaare
Serjeant-At-Arms

Ms. Fiona Musili
Research Officer

PART TWO

3 OVERVIEW OF THE SOCIAL ASSISTANCE (AMENDMENT) BILL, 2023 (NATIONAL ASSEMBLY BILL NO. 80 OF 2023)

3.1 INTRODUCTION

6. The Social Assistance (Amendment) Bill, 2023 (National Assembly Bill No. 80 of 2023) is a Bill sponsored by Hon. Peter Francis Masara, MP and was committed to the Committee for public participation in accordance with Standing Order 127.
7. The Bill seeks to amend the Social Assistance Act, No. 24 of 2013 to among other things, require the Social Assistance Authority to collaborate with county governments to provide social services to elderly persons in all counties; to provide for social assistance to persons earning low wages; and to require the Cabinet Secretary in consultation with the Authority to regularly review the intervals for payment and the amount of social assistance payable to eligible persons to reflect the change in the cost of living.
8. The following is a summary of the Bill as proposed by the Honourable Member:

Clause 1 of the Bill is the short title.

Clause 2 of the Bill seeks to amend the principal Act to require the Social Assistance Authority to collaborate with county governments in the provision of social services to elderly persons in all counties.

Clause 3 of the Bill proposes to amend section 17 of the principal Act to include persons earning low wages as persons in need for purposes of getting social assistance.

Clause 4 of the Bill proposes to amend section 22 of principal Act to insert a new section 22A to provide for the criteria for one to be eligible to get social assistance as a person earning low wages.

Clause 5 of the Bill proposes to amend section 24 of principal Act to require the Cabinet Secretary in consultation with the Authority to regularly review the interval of payments and the amounts payable under social assistance to persons in need to reflect the change in the cost of living.

For purposes of the section “cost of living” has been defined to mean the cost of purchasing goods and services as measured by the changes in the consumer price index as provided by the Kenya National Bureau of Statistics periodically.

PART THREE

4 PUBLIC PARTICIPATION/STAKEHOLDERS CONSULTATION

9. Following the call for memoranda from the public through placement of adverts in the print media on 16th April 2024 and vide a letter dated 5th November 2024 inviting stakeholders for a meeting, the Committee received memoranda from the following stakeholders:

- i. The Ministry of Labour and Social Protection.
- ii. The Hon. Peter Francis Masara.
- iii. The Coast Regional Budget Hub.

10. The Committee held a meeting with the Ministry of Labour and Social Protection (State Department for Social Protection and Senior Citizens Affairs), in which the Mover of the Bill was present, on 14th November 2024. The analysis of the submissions made by the stakeholders are contained hereunder.

4.1 Submissions by the Stakeholders

Submissions by the Ministry of Labour and Social Protection

11. The Bill seeks to amend the Social Assistance Act (Cap 258A) Laws of Kenya, to require the Social Assistance Authority to collaborate with County Governments in the provision of social assistance to elderly persons.

12. The Bill further seeks to amend section 17 (3) of the Social Assistance Act to add a paragraph (c) on persons earning low wages.

13. The Social Assistance Act (Cap 258A), has not been implemented. The delay in the implementation has been occasioned by some of the reasons elaborated on below:

- (a) The Court ruling delivered on 7th December, 2016 in Petition No. 226 of 015 as filed by the National Gender and Equality Commission (NGEC) which allowed the Ministry to work towards preparing a comprehensive law for the social protection sector in line with the Kenya Social Protection Policy.
- (b) Notably, the Social Assistance Act (Cap 258A) was introduced through a private Member's Bill (commonly referred to as the *Laboso Bill*) on the 14th January, 2013 with the date of commencement being 25th January, 2013.
- (c) Operationalizing the Act is a challenge as there was no proper policy guidance from the Ministry and the National Treasury. However, it is important to note that in August 2015, the Ministry was taken to court by the NGEC for failing to implement the law. In its response, the Ministry cited key discrepancies in the law that posed inherent policy, operational and governance challenges in implementation and sought more time to put in place a more comprehensive law for the social protection sector.
- (d) The Court ruled in favour of the Ministry, thereby allowing time to prepare a comprehensive law that is aligned to the existing national laws and policy provisions.
- (e) Establishment of the National Social Assistance Fund as provided for under part IV of the Social Assistance Act (Cap 258A) is in conflict with the existing law on the establishment of

national public funds as captured under section 24 (4) of the Public Finance Management Act (Cap 412A).

- (f) The National Social Assistance Authority (NSAA) Authority which is largely the objective of the Bill as captured under Part II, was dissolved through the Presidential Task Force on Parastatal Reforms (PTPRs) appointed on 23rd July 2013 through their report, presented in October, 2013 recommended that the National Social Assistance Authority established under the Social Assistance Act (Cap 258A) be dissolved and thus it was never established.
- (g) This further hampered any possible operationalization of the Act. Despite the foregoing, the following actions have been taken towards having in place a more comprehensive social protection law that provides for a large majority of vulnerable citizens, including low-income earners.
- (h) The Ministry has now completed preparation of a comprehensive legislation on social protection which is the Social Protection Bill. The Draft Bill has gained Cabinet approval and has now been submitted to the Office of the Attorney General for processing before it can be submitted to Parliament.
- (i) The Kenya Social Protection Policy, 2023 (KSPP, 2023) has now been finalized after receiving Cabinet approval and is due to be launched. The provisions in the KSPP has comprehensively informed the Social Protection Bill.
- (j) Given the foregoing, the Ministry proposed that the current Social Assistance (Amendment) Bill, 2023 by Hon. Peter Francis Masara, MP be shelved since the Government's Social Protection Bill, which will repeal the existing Social Assistance Act, will be forwarded to the National Assembly in early 2025.

Submissions by the Sponsor of the Bill, Hon. Peter Francis Masara, MP

- 14. The Bill seeks to amend the Social Assistance Act, No. 24 of 2013 to among other things, require the Social Assistance Authority to collaborate with county governments to provide social services to elderly persons in all counties; to provide for social assistance to persons earning low wages; and to require the Cabinet Secretary in consultation with the Authority to regularly review the intervals for payment and the amount of social assistance payable to eligible persons to reflect the change in the cost of living.
- 15. For nearly nine years the Ministry of Labour and Social Protection (and its name-variant predecessors) had pledged to amend the Social Assistance Act to align it with the Constitution, court rulings and resolutions of the Presidential Task Force on Parastatal Reforms, and hence, even this new pledge of publishing a Bill in early 2025 could not be relied on. As such, the Mover implored the Committee to pass the Bill in its current form in order to secure the welfare of low-wage earners and other vulnerable persons.

Submissions by the Coast Regional Budget Hub.

- 16. Amend the Bill to define the term "persons earning lower wages" to mean a person contemplated in section 22A(4); "cost of living" means as contemplated in section 24(3);
- 17. Amend "council of county governors" to mean a non-partisan organization established under section 19 of the Intergovernmental Relations Act (IGRA 2012);

18. Amend “Minister” to “Cabinet Secretary” which means the Cabinet Secretary for the time being responsible for matters relating to social development; in order to provide clarity on the meaning of the words used in the “Bill”.
19. There is need for regulations to effect the collaboration between the Authority and county governments. In this regard, amend the Bill to provide that the “Cabinet Secretary” shall, in consultation with the council of county governors make regulations that shall guide the collaboration with counties.”

The Committee could not determine some of the specific sections of the principal Act that the stakeholders were referring to. It was also noted that the Cabinet Secretary responsible for social development was already referred to in the principal Act.



The Sponsor of the Social Assistance (Amendment) Bill, 2023, Hon. Peter Francis Masara, MP, makes submissions on the Bill before the Social Protection Committee on 14th November 2024



The Principal Secretary for the State Department for Social Protection and Senior Citizens Affairs, Mr. Joseph Motari, MBS, makes the Ministry of Labour & Social Protection's submissions on the Bill

Observations

20. The Bill already provides clarity on the definition of the terms cost of living and a person earning low wages.
21. There is no need to define the terms council of governors and Minister as they are not used anywhere in the Bill.
22. The collaboration between the Authority and the county governments is in the manner envisaged under the Constitution and hence no need to prescribe regulations to define the parameters for the collaboration.
23. The Bill by the Ministry is yet to be submitted to Parliament and the existing Act is still operational unless repealed by an Act of Parliament. As such, the Bill ought to proceed for Second Reading in order to secure the welfare of low-wage earners and other vulnerable citizens -even if on an interim basis -pending the publication of the Social Protection Bill.

PART FIVE

5 COMMITTEE RECOMMENDATION


Pursuant to Standing Order 127, the Committee recommends that the National Assembly **APPROVES** the Social Assistance (Amendment) Bill (National Assembly Bill No. 80 of 2023) **without amendments.**



28/11/2024

SIGNED: DATE.....

HON. ALICE WAMBUI NG'ANG'A, CBS, M.P.
(CHAIRPERSON, DEPARTMENTAL COMMITTEE ON SOCIAL PROTECTION)

 THE NATIONAL ASSEMBLY PAPERS LAID	
DATE: 28 NOV 2024	DAY: Thur
TABLED BY:	Hon. Alice Ng'ang'a, CBS, MP Chairperson, SC on Social Protection
CLERK-AT THE TABLE:	Vivian Wambui



THE NATIONAL ASSEMBLY

THIRTEENTH PARLIAMENT-THIRD SESSION-2024

DIRECTORATE OF DEPARTMENTAL COMMITTEES

DEPARTMENTAL COMMITTEE ON SOCIAL PROTECTION

MINUTES OF THE 63RD SITTING OF THE DEPARTMENTAL COMMITTEE ON SOCIAL PROTECTION HELD ON WEDNESDAY, 27TH NOVEMBER, 2024 IN BUNGE TOWER, 3RD FLOOR, COMMITTEE ROOM 17, AT 12.00NOON

PRESENT

1. Hon. Alice Wambui Ng'ang'a, C.B.S M.P. - Chairperson
2. Hon. Hilary Kiplang'at Koskei, M.P - Vice Chairperson
3. Hon. Edith Nyenze, M.P
4. Hon. Betty Njeri Maina, M.P
5. Hon. Susan Ngugi, M.P
6. Hon. Michael Wambugu, M.P
7. Hon. Mark Ogolla Nyamita, M.P
8. Hon. Linet Chepkorir, M.P
9. Hon. Agnes Pareyio, M.P
- 10.Hon. Suleka Hulbale Harun, M.P
- 11.Hon. Barre Hussein Abdi, M.P

APOLOGIES

1. Hon. (Dr.) James Nyikal, M.P
2. Hon. Wetangula Timothy Wanyonyi, M.P
3. Hon. Amina Abdullahi Dika, M.P
4. Hon. (Dr.) Lilian Gogo, M.P

COMMITTEE SECRETARIAT

1. Mr. Finlay Muriuki -Committee Lead Clerk
2. Mr. Ahmednoor Hassan -Clerk Assistant III

- | | |
|-----------------------|--------------------------------------|
| 3. Ms. Jemimah Waigwa | -Senior Legal Counsel |
| 4. Ms. Naomi Onsomu | -Protocol Officer |
| 5. Ms. Judy Losuron | -Intern, Social Protection Committee |
| 6. Ms. Ruth Keere | -Intern, Audio Services |

AGENDA

1. Prayers
2. Preliminaries/Introductions
 - a. Adoption of the Agenda
 - b. Remarks by the Chairperson.
3. Confirmation of Minutes/ Matters Arising
4. **Consideration and Adoption of Committee Report on The Social Assistance (Amendment) Bill (National Assembly Bill No. 80 of 2023)**
5. Any Other Business
6. Adjournment /Date of the Next Meeting

MIN. NO. NA/DC-SP/2024/367: PRAYERS/PRELIMINARIES

The Chairperson called the meeting to order with a word of prayer at 12:15 a.m.

MIN. NO. NA/DC-SP/2024/368: ADOPTION OF THE AGENDA

The agenda of the meeting was adopted having been proposed by Hon. Edith Nyenze, M.P. and seconded by Hon. Hussein Barre, M.P.

MIN. NO. NA/DC-SP/2024/369: CONFIRMATION OF PREVIOUS MINUTES

Minutes of the 62nd Meeting were confirmed as a true reflection of the proceedings having been proposed by Hon. Susan Ngugi Nduyo, M.P. and seconded by Hon. Suleka Hulbale, M.P.

MIN. NO. NA/DC-SP/2024/370: CONSIDERATION AND ADOPTION OF THE REPORT ON COMMITTEE REPORT ON THE SOCIAL ASSISTANCE (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 80 OF 2023)

The Committee, through the guidance of the Committee Secretariat, considered the Draft Report on the Social Assistance (Amendment) Bill (National Assembly Bill No. 80 of 2023) as follows:

Submissions by the Stakeholders

Submissions by the Ministry of Labour and Social Protection

- 1) The Bill seeks to amend the Social Assistance Act (Cap 258A) Laws of Kenya, to require the Social Assistance Authority to collaborate with County Governments in the provision of social assistance to elderly persons.
- 2) The Bill further seeks to amend section 17 (3) of the Social Assistance Act to add a paragraph (c) on persons earning low wages.
- 3) The Social Assistance Act (Cap 258A), has not been implemented. The delay in the implementation has been occasioned by some of the reasons elaborated as follows:
 - a) The Court ruling delivered on 7th December, 2016 in Petition No. 226 of 015 as filed by the National Gender and Equality Commission (NGEC) which allowed the Ministry to work towards preparing a comprehensive law for the social protection sector in line with the Kenya Social Protection Policy.
 - b) Notably, the Social Assistance Act (Cap 258A) was introduced through a private Member's Bill (commonly referred to as the Laboso Bill) on the 14th January, 2013 with the date of commencement being 25th January, 2013.
 - c) Operationalizing the Act is a challenge as there was no proper policy guidance from the Ministry and the National Treasury. However, it is important to note that in August 2015, the Ministry was taken to court by the NGEC for failing to implement the law. In its response, the Ministry cited key discrepancies in the law that posed inherent policy, operational and governance challenges in implementation and sought more time to put in place a more comprehensive law for the social protection sector.
 - d) The Court ruled in favour of the Ministry, thereby allowing time to prepare a comprehensive law that is aligned to the existing national laws and policy provisions.
 - e) Establishment of the National Social Assistance Fund as provided for under part IV of the Social Assistance Act (Cap 258A) is in conflict with the existing law on the establishment of national public funds as captured under section 24 (4) of the Public Finance Management Act (Cap 412A).

- f) The National Social Assistance Authority (NSAA) Authority which is largely the objective of the Bill as captured under Part II, was dissolved through the Presidential Task Force on Parastatal Reforms (PTPRs) appointed on 23rd July 2013 through their report, presented in October, 2013 recommended that the National Social Assistance Authority established under the Social Assistance Act (Cap 258A) be dissolved and thus it was never established.
- g) This further hampered any possible operationalization of the Act. Despite the foregoing, the following actions have been taken towards having in place a more comprehensive social protection law that provides for a large majority of vulnerable citizens, including low-income earners.
- 4) The Ministry has now completed preparation of a comprehensive legislation on social protection which is the Social Protection Bill. The Draft Bill has gained Cabinet approval and has now been submitted to the Office of the Attorney General for processing before it can be submitted to Parliament.
- 5) The Kenya Social Protection Policy, 2023 (KSPP, 2023) has now been finalized after receiving Cabinet approval and is due to be launched. The provisions in the KSPP have comprehensively informed the Social Protection Bill.
- 6) Given the foregoing, the Ministry proposed that the current Social Assistance (Amendment) Bill, 2023 by Hon. Peter Francis Masara, MP be shelved since the Government's Social Protection Bill, which will repeal the existing Social Assistance Act, will be forwarded to the National Assembly in early 2025.

Submissions by the Sponsor of the Bill, Hon. Peter Francis Masara, MP

- 7) The Bill seeks to amend the Social Assistance Act, No. 24 of 2013 to among other things, require the Social Assistance Authority to collaborate with county governments to provide social services to elderly persons in all counties; to provide for social assistance to persons earning low wages; and to require the Cabinet Secretary in consultation with the Authority to regularly review the intervals for payment and the amount of social assistance payable to eligible persons to reflect the change in the cost of living.
- 8) For nearly nine years the Ministry of Labour and Social Protection (and its name-variant predecessors) had pledged to amend the Social Assistance Act to align it with the Constitution, court rulings and resolutions of the

Presidential Task Force on Parastatal Reforms, and hence, even this new pledge of publishing a Bill in early 2025 could not be relied on. As such, the Mover implored the Committee to pass the Bill in its current form in order to secure the welfare of low-wage earners and other vulnerable persons.

- 9) Submissions by the Coast Regional Budget Hub.
- 10) Amend the Bill to define the term “persons earning lower wages” to mean a person contemplated in section 22A(4); “cost of living” means as contemplated in section 24(3);
- 11) Amend “council of county governors” to mean a non-partisan organization established under section 19 of the Intergovernmental Relations Act (IGRA 2012);
- 12) Amend “Minister” to “Cabinet Secretary” which means the Cabinet Secretary for the time being responsible for matters relating to social development; in order to provide clarity on the meaning of the words used in the “Bill”.
- 13) There is need for regulations to effect the collaboration between the Authority and county governments. In this regard, amend the Bill to provide that the “Cabinet Secretary” shall, in consultation with the council of county governors make regulations that shall guide the collaboration with counties.”
- 14) The Committee could not determine some of the specific sections of the principal Act that the stakeholders were referring to. It was also noted that the Cabinet Secretary responsible for social development was already referred to in the principal Act.

Committee Observations

1. The Bill already provides clarity on the definition of the terms cost of living and a person earning low wages.
2. There is no need to define the terms council of governors and Minister as they are not used anywhere in the Bill.
3. The collaboration between the Authority and the county governments is in the manner envisaged under the Constitution and hence no need to prescribe regulations to define the parameters for the collaboration.
4. The Bill by the Ministry is yet to be submitted to Parliament and the existing Act is still operational unless repealed by an Act of Parliament. As such, the Bill ought to proceed for Second Reading in order to secure the welfare of

low-wage earners and other vulnerable citizens -even if on an interim basis - pending the publication of the Social Protection Bill.

Committee Resolution

The Committee, following consideration of the Draft Report on the Social Assistance (Amendment) Bill (National Assembly Bill No. 80 of 2023), adopted the Report for tabling in the National Assembly, with resolution that the Bill proceeds for Second Reading without any amendments.

MIN. NO. NA/DC-SP/2024/371: ADJOURNMENT/DATE OF THE NEXT MEETING

The meeting was adjourned at 12:50pm. The next meeting will be held on Wednesday, November 27, 2024 at 1.15pm.



27/11/2024

Signed..... Date.....

HON. ALICE WAMBUI NGÁNGÁ, C.B.S, M.P.

(Chairperson)



REPUBLIC OF KENYA

THE NATIONAL ASSEMBLY
THIRTEENTH PARLIAMENT - THIRD SESSION - 2024

DIRECTORATE OF DEPARTMENTAL COMMITTEES
DEPARTMENTAL COMMITTEE ON SOCIAL PROTECTION

ADOPTION SCHEDULE: REPORT ON THE SOCIAL ASSISTANCE (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 80 of 2023)

DATE: 27TH November, 2024

NO.	NAME	SIGNATURE
1.	Hon. Alice Wambui Ng'ang'a, CBS, MP. – Chairperson	
2.	Hon. Kosgei Hilary Kiplangat, MP. – Vice Chairperson	
3.	Hon. Wetangula Timothy Wanyonyi, MP.	
4.	Hon. (Dr.) James Wambura Nyikal, MP.	
5.	Hon. Pareyo, Agnes Mantaine, MP.	
6.	Hon. Nyenze Edith Vethi, MP.	
7.	Hon. (Dr.) Gogo Lilian Achieng', MP.	
8.	Hon. Maina Betty Njeri, MP.	
9.	Hon. Mark Ogolla Nyamita, MP.	
10.	Hon. Linet Chepkorir, MP.	
11.	Hon. Suleka Hulbale Harun, MP.	
12.	Hon. Wainaina Michael, Wambugu, MP.	
13.	Hon. Barre Hussein Abdi, MP.	
14.	Hon. Nduyo Susan Ngugi, MP.	
15.	Hon. Abdullahi Amina Dika, MP.	



REPUBLIC OF KENYA
13TH PARLIAMENT- THIRD SESSION (2024)
THE NATIONAL ASSEMBLY

IN THE MATTER OF ARTICLE 118(1) (b) OF THE CONSTITUTION
AND

IN THE MATTER OF CONSIDERATION BY THE NATIONAL ASSEMBLY OF:

1. THE KENYA NATIONAL COUNCIL FOR POPULATION AND DEVELOPMENT BILL (NATIONAL ASSEMBLY BILL NO. 72 OF 2023);
2. THE PUBLIC FINANCE MANAGEMENT (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 2 OF 2024);
3. THE TECHNOPOLIS BILL (NATIONAL ASSEMBLY BILL NO. 6 OF 2024);
4. THE COOPERATIVES BILL (NATIONAL ASSEMBLY BILL NO. 7 OF 2024);
5. THE SOCIAL ASSISTANCE (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 80 OF 2023)

INVITATION TO SUBMIT MEMORANDA

WHEREAS, Article 118(1) (b) of the Constitution requires Parliament to facilitate public participation and involvement in the legislative and other business of Parliament and its Committees and that the National Assembly Standing Order 127(3) requires House Committees considering Bills to facilitate public participation;

AND WHEREAS the Kenya National Council for Population and Development Bill (National Assembly Bill No. 72 of 2023; the Public Finance Management (Amendment) Bill (National Assembly Bill No. 2 of 2024); the Technopolis Bill (National Assembly Bill No. 6 of 2024); and the Cooperatives Bill (National Assembly Bill No. 7 of 2024) were all Read a First Time on 9th April 2024; while the Social Assistance (Amendment) Bill (National Assembly Bill No. 80 of 2023) was Read a First Time on 11th April 2024 and thereafter referred to the relevant Departmental Committees for consideration and reporting back to the House;

IT IS NOTIFIED THAT:

1. **The Kenya National Council for Population and Development Bill (National Assembly Bill No. 72 of 2023)** is a Bill sponsored by the **Leader of Majority, Hon. Kimani Ichung'wah, EGH, MP** that seeks to amend the Public Finance Management Act, 2012. It proposes to reduce the time for submission of financial statements to the Office of the Auditor General by public entities from three months after the end of a financial year to one month. This will ensure that the Office of the Auditor General has adequate time to audit the statements and prepare the required reports.
2. **The Public Finance Management (Amendment) Bill (National Assembly Bill No. 2 of 2024)** is a Bill sponsored by the **Leader of Majority, Hon. Kimani Ichung'wah, EGH, MP** that seeks to anchor the Kenya National Council for Population and Development in law through an Act of Parliament. The Council is currently established under Legal Notice No. 120 of 2004. As currently constituted, the Council is unable to prescribe regulations and standards for effective

monitoring and co-ordination of population programmes as it is established through an Executive Order.

3. **The Technopolis Bill (National Assembly Bill No. 6 of 2024)** is a Bill sponsored by the **Leader of Majority, Hon. Kimani Ichung'wah, EGH, MP** that seeks to provide for a comprehensive framework for the establishment of a Technopolis in Kenya to create the Technopolis Development Authority which will be responsible for the development, planning, management, improvement and maintenance of every Technopolis established.
4. **The Cooperatives Bill (National Assembly Bill No. 7 of 2024)** is a Bill sponsored by the **Leader of Majority, Hon. Kimani Ichung'wah, EGH, MP** that seeks to provide a legal framework that promotes a sustainable and competitive cooperative sector for socio-economic development in a devolved system of governance. More specifically, the Bill seeks to provide for matters relating to the promotion, constitution, registration and regulation of Cooperatives and to give effect to Article 186 and the Fourth Schedule to the Constitution of Kenya.
5. **The Social Assistance (Amendment) Bill (National Assembly Bill No. 80 of 2023)** is a Bill sponsored by Hon. Peter Francis Masara, MP that seeks to amend the Social Assistance Act, No. 24 of 2023 to require the Social Assistance Authority to collaborate with County Governments in the provision of social assistance to elderly persons in terms of shelter and health care services.

NOW THEREFORE, in compliance with Article 118(1) (b) of the Constitution and Standing Order 127(3), the Clerk of the National Assembly hereby invites the public and stakeholders to submit memoranda on the Bills to the respective Departmental Committees as listed below:

NO.	BILL	COMMITTEE
1.	The Kenya National Council for Population and Development Bill (National Assembly Bill No. 72 of 2023)	Finance and National Planning
2.	The Public Finance Management (Amendment) Bill (National Assembly Bill No. 2 of 2024)	Finance and National Planning
3.	The Technopolis Bill (National Assembly Bill No. 6 of 2024)	Communication, Information and Innovation
4.	The Cooperatives Bill (National Assembly Bill No. 7 of 2024)	Trade, Industry and Co-operatives
5.	The Social Assistance (Amendment) Bill (National Assembly Bill No. 80 of 2023)	Social Protection

Copies of the Bill are available at the National Assembly Table Office, Main Parliament Buildings and on www.parliament.go.ke/the-national-assembly/house-business/bills.

The memoranda may be forwarded to the **Clerk of the National Assembly, P.O. Box 41842-00100, Nairobi**; hand-delivered to the **Office of the Clerk, Main Parliament Buildings, Nairobi** or emailed to cna@parliament.go.ke to be received on or before **Thursday 25th April, 2024 at 5.00 p.m.**

S. NJOROGE
CLERK OF THE NATIONAL ASSEMBLY
16th April 2024



**THE NATIONAL ASSEMBLY
OFFICE OF THE CLERK**

P. O. Box 41842-00100
Nairobi, Kenya
Main Parliament Buildings

Telephone: +254202848000 ext. 3300
Email: cna@parliament.go.ke
www.parliament.go.ke/the-national-assembly

When replying, please quote:

REF: NA/DDC/SP/CORR/2024/114

5th November, 2024

Mr. Joseph Mogosi Motari, MBS

Principal Secretary
State Department for Social Protection and Senior Citizens Affair
Ministry of Labour and Social Protection
Social Security House, Bishops Road
NAIROBI

Dear

**RE: INVITATION TO A MEETING WITH THE DEPARTMENTAL COMMITTEE
ON SOCIAL PROTECTION FOR SUBMISSION OF MEMORANDA ON
THE SOCIAL ASSISTANCE (AMENDMENT) BILL, 2023 -RE-INVITATION**

Your correspondence to the Clerk of the National Assembly dated 04.11.2024 under Reference No. ML&SP/SP/9/45 on the above-referenced subject (*copy enclosed herewith*) matter refers.

The Departmental Committee on Social Protection has considered your request and accordingly rescheduled the meeting for **Thursday, 14th November 2024 at 12.45 pm**. The meeting will be held at **Parliament Buildings**, the exact venue of which will be communicated in due course.

You are requested to appear before the Committee during the meeting with twenty (20) hard copies for reference and email soft copies of the submissions to the Office of the Clerk of the National Assembly through cna@parliament.go.ke, copied to the undersigned officers on or before **Wednesday, 13th November, 2024 at 5.00 pm**.

The officers overseeing this activity are **Mr. Finlay Muriuki** who may be contacted on **Tel. No. 0722 687468** or email: finlay.muriuki@parliament.go.ke and **Mr. Ahmednoor Hassan**, **Tel. No. 0748 993663** or email: ahmednoor.hassan@parliament.go.ke.

Yours

JEREMIAH W. NDOMBI, MBS
For: CLERK OF THE NATIONAL ASSEMBLY

Copy to:

Dr. Alfred Mutua, EGH
Cabinet Secretary
Ministry of Labour and Social Protection
Social Security House
Bishops Road
NAIROBI

Hon. Peter Francis Masara, MP
Member for Suna West Constituency
The National Assembly
Main Parliament Buildings
NAIROBI





UDDC
8
4/11/24

MINISTRY OF LABOUR AND SOCIAL PROTECTION
STATE DEPARTMENT FOR SOCIAL PROTECTION & SENIOR CITIZEN AFFAIRS
OFFICE OF THE PRINCIPAL SECRETARY

Tel: +254 (0) 2729800/2727980-4
Road
Fax: +254 (0) 2726222/2734417
Email: ps@socialprotection.go.ke
When replying, please quote

Social Security House, Bishops

P.O. Box 40326 - 00100
Nairobi
KENYA

② Mr. Finlay Muriuki

REF: ML&SP/SP/9/45

Pls WA.
DM 5/11/24

November 4, 2024

Clerk of the National Assembly
Main Parliament Buildings
P.O. BOX 41842-00100
NAIROBI

(Advance copy by email: cna@parliament.go.ke)

Attn: Jeremiah W. Ndombi

RE: INVITATION TO A MEETING WITH THE DEPARTMENTAL COMMITTEE ON
SOCIAL PROTECTION FOR SUBMISSION OF MEMORANDA ON THE SOCIAL
ASSISTANCE (AMENDMENT) BILL, 2023

Reference is made to your letter dated 29th October 2024 under Ref. NA/DDC/SP/CORR/2024/109 inviting me to a meeting scheduled for Thursday, 7th November, 2024.

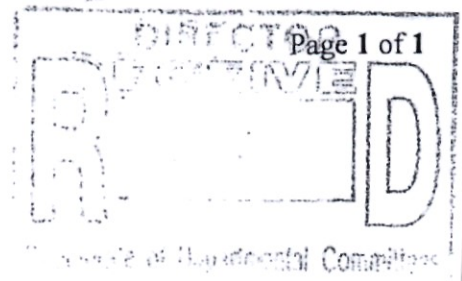
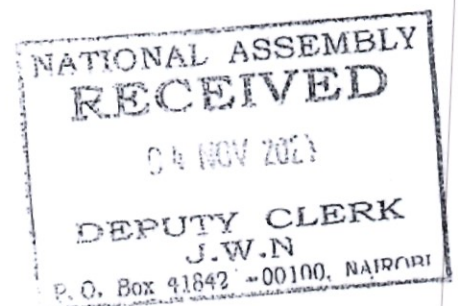
Regrettably, I wish to notify you that I will not be in a position to attend on the said date as I will be out of the Country on official duty.

In the circumstances, I request that you reschedule the meeting to a date and time convenient to the Honourable members of the Committee.

Joseph M. Motari, MBS
PRINCIPAL SECRETARY

Copy to:

Dr. Alfred Nganga Mutua, EGH
Cabinet Secretary
Ministry of Labour and Social Protection





**THE NATIONAL ASSEMBLY
OFFICE OF THE CLERK**

P. O. Box 41842-00100
Nairobi, Kenya
Main Parliament Buildings

Telephone: +254202848000 ext. 3300
Email: cna@parliament.go.ke
www.parliament.go.ke/the-national-assembly

When replying, please quote:

REF: NA/DDC/SP/CORR/2024/114

5th November, 2024

Mr. Joseph Mogosi Motari, MBS

Principal Secretary
State Department for Social Protection and Senior Citizens Affair
Ministry of Labour and Social Protection
Social Security House, Bishops Road
NAIROBI

Dear

**RE: INVITATION TO A MEETING WITH THE DEPARTMENTAL COMMITTEE
ON SOCIAL PROTECTION FOR SUBMISSION OF MEMORANDA ON
THE SOCIAL ASSISTANCE (AMENDMENT) BILL, 2023 -RE-INVITATION**

Your correspondence to the Clerk of the National Assembly dated 04.11.2024 under Reference No. ML&SP/SP/9/45 on the above-referenced subject (*copy enclosed herewith*) matter refers.

The Departmental Committee on Social Protection has considered your request and accordingly rescheduled the meeting for **Thursday, 14th November 2024 at 12.45 pm.** The meeting will be held at **Parliament Buildings**, the exact venue of which will be communicated in due course.

You are requested to appear before the Committee during the meeting with twenty (20) hard copies for reference and email soft copies of the submissions to the Office of the Clerk of the National Assembly through cna@parliament.go.ke, copied to the undersigned officers on or before **Wednesday, 13th November, 2024 at 5.00 pm.**

The officers overseeing this activity are **Mr. Finlay Muriuki** who may be contacted on **Tel. No. 0722 687468** or email: finlay.muriuki@parliament.go.ke and **Mr. Ahmednoor Hassan**, **Tel. No. 0748 993663** or email: ahmednoor.hassan@parliament.go.ke.

Yours

JEREMIAH W. NDOMBI, MBS
For: CLERK OF THE NATIONAL ASSEMBLY

Copy to:

Dr. Alfred Mutua, EGH


Cabinet Secretary

Ministry of Labour and Social Protection

Social Security House

Bishops Road

NAIROBI



Hon. Peter Francis Masara, MP

Member for Suna West Constituency

The National Assembly

Main Parliament Buildings

NAIROBI



13 DDC
4/11/24

MINISTRY OF LABOUR AND SOCIAL PROTECTION
STATE DEPARTMENT FOR SOCIAL PROTECTION & SENIOR CITIZEN AFFAIRS
OFFICE OF THE PRINCIPAL SECRETARY

Tel: +254 (0) 2729800/2727980-4
Road
Fax: +254 (0) 2726222/2734417
Email: ps@socialprotection.go.ke
When replying, please quote

Social Security House, Bishops
P.O. Box 40326 - 00100
Nairobi
KENYA

② Mr. Finlay Musiwiki
Pls WA.
DM 5/11/24

REF: ML&SP/SP/9/45

November 4, 2024

Clerk of the National Assembly
Main Parliament Buildings
P.O. BOX 41842-00100
NAIROBI

(Advance copy by email: cna@parliament.go.ke)

Attn: Jeremiah W. Ndombi

RE: INVITATION TO A MEETING WITH THE DEPARTMENTAL COMMITTEE ON
SOCIAL PROTECTION FOR SUBMISSION OF MEMORANDA ON THE SOCIAL
ASSISTANCE (AMENDMENT) BILL, 2023

Reference is made to your letter dated 29th October 2024 under Ref. NA/DDC/SP/CORR/2024/109 inviting me to a meeting scheduled for Thursday, 7th November, 2024.

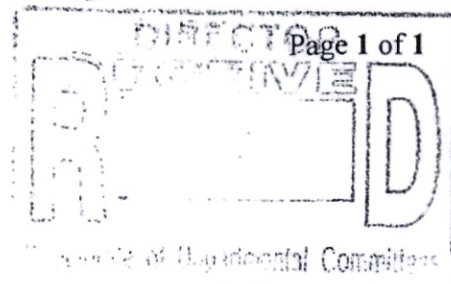
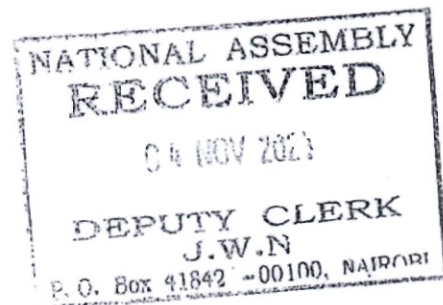
Regrettably, I wish to notify you that I will not be in a position to attend on the said date as I will be out of the Country on official duty.

In the circumstances, I request that you reschedule the meeting to a date and time convenient to the Honourable members of the Committee.

Joseph M. Motari, MBS
PRINCIPAL SECRETARY

Copy to:

Dr. Alfred Nganga Mutua, EGH
Cabinet Secretary
Ministry of Labour and Social Protection





**THE NATIONAL ASSEMBLY
OFFICE OF THE CLERK**

P. O. Box 41842-00100
Nairobi, Kenya
Main Parliament Buildings

Telephone: +254202848000 ext. 3300
Email: cna@parliament.go.ke
www.parliament.go.ke/the-national-assembly

When replying, please quote:

REF: NA/DDC/SP/CORR/2024/114

5th November, 2024

Mr. Joseph Mogosi Motari, MBS
Principal Secretary
State Department for Social Protection and Senior Citizens Affair
Ministry of Labour and Social Protection
Social Security House, Bishops Road
NAIROBI

Dear Mr. Motari:

**RE: INVITATION TO A MEETING WITH THE DEPARTMENTAL COMMITTEE
ON SOCIAL PROTECTION FOR SUBMISSION OF MEMORANDA ON
THE SOCIAL ASSISTANCE (AMENDMENT) BILL, 2023 -RE-INVITATION**

Your correspondence to the Clerk of the National Assembly dated 04.11.2024 under Reference No. ML&SP/SP/9/45 on the above-referenced subject (*copy enclosed herewith*) matter refers.

The Departmental Committee on Social Protection has considered your request and accordingly rescheduled the meeting for **Thursday, 14th November 2024 at 12.45 pm.** The meeting will be held at **Parliament Buildings**, the exact venue of which will be communicated in due course.

You are requested to appear before the Committee during the meeting with twenty (20) hard copies for reference and email soft copies of the submissions to the Office of the Clerk of the National Assembly through cna@parliament.go.ke, copied to the undersigned officers on or before **Wednesday, 13th November, 2024 at 5.00 pm.**

The officers overseeing this activity are **Mr. Finlay Muriuki** who may be contacted on **Tel. No. 0722 687468** or email: finlay.muriuki@parliament.go.ke and **Mr. Ahmednoor Hassan**, **Tel. No. 0748 993663** or email: ahmednoor.hassan@parliament.go.ke.

Yours

JEREMIAH W. NDOMBI, MBS
For: CLERK OF THE NATIONAL ASSEMBLY

Copy to:

Dr. Alfred Mutua, EGH

Cabinet Secretary

Ministry of Labour and Social Protection

Social Security House

Bishops Road

NAIROBI

Hon. Peter Francis Masara, MP

Member for Suna West Constituency

The National Assembly

Main Parliament Buildings

NAIROBI



CSDDC
4/11/24

MINISTRY OF LABOUR AND SOCIAL PROTECTION
STATE DEPARTMENT FOR SOCIAL PROTECTION & SENIOR CITIZEN AFFAIRS
OFFICE OF THE PRINCIPAL SECRETARY

Tel: +254 (0) 2729800/2727980-4
Road
Fax: +254 (0) 2726222/2734417
Email: ps@socialprotection.go.ke
When replying, please quote

Social Security House, Bishops
P.O. Box 40326 - 00100
Nairobi
KENYA

② Mr. Finlay Muriuki
Plc WA.
DM 5/11/24

REF: ML&SP/SP/9/45

November 4, 2024

Clerk of the National Assembly
Main Parliament Buildings
P.O. BOX 41842-00100
NAIROBI

(Advance copy by email: cna@parliament.go.ke)

Attn: Jeremiah W. Ndombi

RE: INVITATION TO A MEETING WITH THE DEPARTMENTAL COMMITTEE ON
SOCIAL PROTECTION FOR SUBMISSION OF MEMORANDA ON THE SOCIAL
ASSISTANCE (AMENDMENT) BILL, 2023

Reference is made to your letter dated 29th October 2024 under Ref. NA/DDC/SP/CORR/2024/109 inviting me to a meeting scheduled for Thursday, 7th November, 2024.

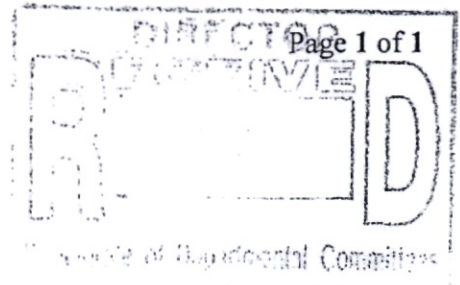
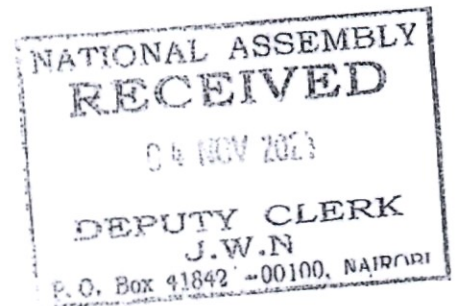
Regrettably, I wish to notify you that I will not be in a position to attend on the said date as I will be out of the Country on official duty.

In the circumstances, I request that you reschedule the meeting to a date and time convenient to the Honourable members of the Committee.

Joseph M. Motari, MBS
PRINCIPAL SECRETARY

Copy to:

Dr. Alfred Nganga Mutua, EGH
Cabinet Secretary
Ministry of Labour and Social Protection





THE CLERK OF THE NATIONAL ASSEMBLY
P.O. BOX 4182-00100
NAIROBI.

30TH APRIL, 2024.

RE: SUBMISSION ON THE SOCIAL ASSISTANCE AMENDMENT BILL 2023

INTRODUCTION

The proposed Social Assistance Amendment Bill 2023 seeks to the Social Assistance Act to require the Social Assistance Authority to collaborate with the County Governments in the provision of social assistance to the elderly persons in terms of shelter and healthcare.

The Bill also proposes for the periodic review of the financial assistance offered to elderly persons under the social assistance services factor in inflation and the rising cost of living to ensure that the elderly members of the Kenyan Society are able to live a dignified lives regardless their age.

Who are we?

The Coast Regional Budget Hub is a civic engagement space, that operates in Mombasa, Kwale, Kilifi, Lamu, Taita Taveta and Tana River Counties. The Coast Regional Budget Hub is composed of budget coordinators, facilitators and community budget champions, drawn from organizations or individuals. Our key mandate is budget advocacy, and to ensure fiscal decisions undertaken by the government at the county and national level, addresses the developmental needs of our communities through better services.



Our Observations, interpretation and Understanding of the proposed Bill.

No.	PROVISION IN THE BILL/ CLAUSE	ISSUE OF CONCERN/ ASK	RECOMMENDATION	JUSTIFICATION
1.	2. Interpretation New	<p>“persons earning lower wages”</p> <p>“cost of living”</p> <p>“council of county governors”</p>	<p>means a person contemplated in section 22A(4);</p> <p>means as contemplated in section 24(3);</p> <p>means a non-partisan organization established under Section 19 of the Intergovernmental Relations Act (IGRA 2012)</p>	. Clarity on the meaning of the words used in the “Bill”
	New(SOCIAL ASSISTANCE ACT NO. 24 OF 2013)	“Minister”	“Cabinet Secretary “means the Cabinet Secretary for the time being responsible for matters relating to social development;	THE CONSTITUTION OF KENYA(COK 2010) CHAPTER NINE—THE EXECUTIVE Part 3 – The Cabinet Article 152



2.		<p>4. Functions of the Authority The functions of the Authority shall be to – “Fa) Collaborate with county government to provide social assistance to persons in need social services to the elderly persons in all counties” There is need for regulations to effect the collaboration.</p>	<p>“Fa) Collaborate with county government to provide social assistance to persons as provided in section 17(3)(a-g) in all counties” “Fb) “Cabinet Secretary” shall, in consultation with the council of county governors make regulations that shall guide the collaboration with counties.”</p>	<p>The Council of County Governors (COG) is a non-partisan organization established under Section 19 of the Intergovernmental Relations Act (IGRA 2012).</p>
	<p>New (SOCIAL ASSISTANCE ACT NO. 24 OF 2013)</p>	<p>Replace the word “Minister” in the following sections 17 (2), (g) ; 24; 27; 35(2) (a) (3) (4)</p> <p>(3) The Minister “Cabinet Secretary” shall, in consultation with the Board, make regulations to govern the administration of the fund, including the proportion of funds to be applied to each purpose under subsection (2)</p>	<p>“Cabinet Secretary” in the following sections 17 (2), (g) ; 24; 27; 35(2) (a) (3) (4)</p> <p>(3)“Cabinet Secretary” shall, in consultation with the Board, make regulations to govern the administration of the fund, including the proportion of funds to be applied to each purpose under subsection (2)</p>	<p>THE CONSTITUTION OF KENYA(COK 2010) CHAPTER NINE—THE EXECUTIVE Part 3 – The Cabinet Article 152</p>



Contact Person,

Josephine Nyamai,

Coordinator, Coast Regional Budget Hub

Contacts: jnyamai70@gmail.com or

crbhub@gmail.com

+254706860793



REPUBLIC OF KENYA

MINISTRY OF LABOUR AND SOCIAL PROTECTION

STATE DEPARTMENT FOR SOCIAL PROTECTION AND SENIOR CITIZEN AFFAIRS

OFFICE OF THE PRINCIPAL SECRETARY

Telephone: Nairobi +254(0)2729800

Fax: 2726222

Email: ps@socialprotection.go.ke

When replying please quote

Social Security House, Bishops Road

P.O. BOX 40326 - 00100

NAIROBI

KENYA

Ref: ML&SP/SP/37/5

Date: November 13, 2024

Clerk of the National Assembly

Parliament Buildings,

P.O Box 41842-00100

NAIROBI

copy by e-mail: cna@parliament.go.ke /

finlay.muriuki@parliament.go.ke /

ahmednoor.hassan@parliament.go.ke

Attn: Jeremiah W. Ndombi, MBS

**RE: INVITATION TO A MEETING WITH THE DEPARTMENTAL COMMITTEE ON
SOCIAL PROTECTION FOR SUBMISSION OF MEMORANDA ON THE SOCIAL
ASSISTANCE(AMENDMENT) BILL,2023**

Reference is made to your letter dated 5th November 2024 under Ref.NA/DDC/SP/CORR/2024/109 regarding the above subject matter.

Attached is our written submission to the Social Assistance(Amendment) Bill,2023.

Joseph M. Motari, MBS

PRINCIPAL SECRETARY

Copy to:

Dr.Alfred N. Mutua, EGH

CABINET SECRETARY



REPUBLIC OF KENYA

MINISTRY OF LABOUR AND SOCIAL PROTECTION

STATE DEPARTMENT FOR SOCIAL PROTECTION & SENIOR CITIZEN AFFAIRS

The following is the position of the State Department for Social Protection and Senior Citizen Affairs on the Social Assistance (Amendment) Bill, 2023 (*National Assembly Bill No.80 of 2023*) (hereinafter “the Bill”) as sponsored by Hon. Peter Francis Masara, MP.

We respond as thus:

We note that the Bill seeks to amend the Social Assistance Act (Cap 258A) Laws of Kenya, to require the Social Assistance Authority to collaborate with County Governments in the provision of social assistance to elderly persons with regard to shelter and health care services, with amendments under Section 4 of the Act;

Very specifically, we also note that amendments have been provided under Section 17 (3) of the Social Assistance Act to add a paragraph (c) on persons earning low wages, with further amendments in Section 2.

While we appreciate the proposed amendments, we wish to bring to your attention the following:

- 1. Owing to various reasons the same of which have previously been presented to this Honourable Committee as well as to the Senate, the Social Assistance Act (Cap 258A), has not been implemented. The delay in the implementation has been occasioned by some of the reasons elaborated on below:**
-

- i. The Court ruling delivered on 7th December, 2016 in Petition No. 226 of 2015 as filed by the National Gender and Equality Commission (NGEC) which allowed the Ministry to work towards preparing a comprehensive law for the social protection sector in line with the Kenya Social Protection Policy.**

- ii. Notably, the Social Assistance Act (Cap 258A) was introduced through a private Member's Bill (commonly referred to as the *Laboso Bill*) on the 14th January, 2013 with the date of commencement being 25th January, 2013. Operationalizing the Act is a challenge as there was no proper policy guidance from the Ministry and the National Treasury. However, it is important to note that in August 2015, the Ministry was taken to court by the NGEK for failing to implement the law. In its response, the Ministry cited key discrepancies in the law that posed inherent policy, operational and governance challenges in implementation and sought more time to put in place a more comprehensive law for the social protection sector. The Court ruled in favour of the Ministry, thereby allowing time to prepare a comprehensive law that is aligned to the existing national laws and policy provisions.
 - iii. Establishment of the National Social Assistance Fund as provided for under part IV of the Social Assistance Act (Cap 258A) is in conflict with the existing law on the establishment of national public funds as captured under section 24 (4) of the PFM Act (Cap 412A).
2. **The National Social Assistance Authority (NSAA) Authority which is largely the objective of the Bill as captured under Part II, was dissolved through the Presidential Task Force on Parastatal Reforms (PTPRs) appointed on 23rd July 2013 through their report, presented in October, 2013 recommended that the National Social Assistance Authority established under the Social Assistance Act (Cap 258A) be dissolved and thus it was never established. This further hampered any possible operationalization of the Act.**
 3. Despite the foregoing, the following actions have been taken towards having in place a more comprehensive social protection law that provides for a large majority of vulnerable citizens, including low income earners:

 - i. The Ministry has now completed preparation of a comprehensive legislation on social protection *to wit* the Social Protection Bill. The Draft Bill has gained Cabinet approval and has now been submitted to the Office of the Attorney General for processing before it can be submitted to Parliament;

- ii. The Kenya Social Protection Policy, 2023 (KSPP, 2023) has now been finalized after receiving Cabinet approval and is due to be launched. The provisions in the KSPP has comprehensively informed the Social Protection Bill.

Submissions By

A handwritten signature in black ink, appearing to read 'M. Motari', with a large, sweeping flourish extending to the right.

Joseph M. Motari, MBS
PRINCIPAL SECRETARY

SPECIAL ISSUE

Kenya Gazette Supplement No. 254 (National Assembly Bills No. 80)



REPUBLIC OF KENYA

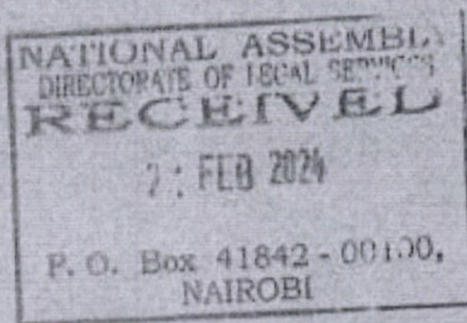
KENYA GAZETTE SUPPLEMENT

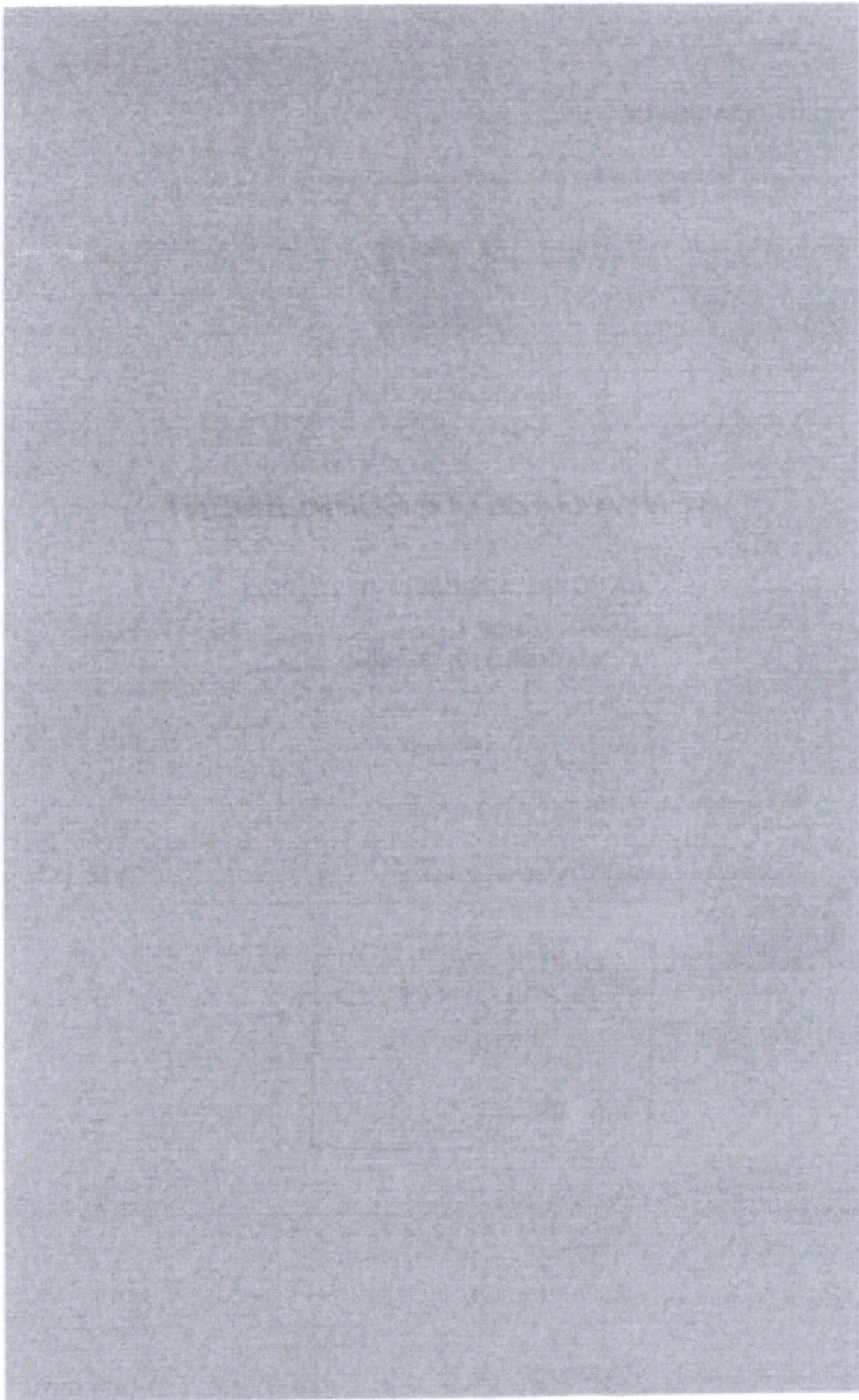
NATIONAL ASSEMBLY BILLS, 2023

NAIROBI, 15th December, 2023

CONTENT

Bill for Introduction into the National Assembly –	PAGE
The Social Assistance (Amendment) Bill, 2023	2209





**THE SOCIAL ASSISTANCE (AMENDMENT) BILL,
2023**

A Bill for

AN ACT of Parliament to amend the Social Assistance Act and for connected purposes.

ENACTED by the Parliament of Kenya, as follows—

1. This Act may be cited as the Social Assistance (Amendment) Act, 2023.

Short title.

2. Section 4 of the principal Act is amended by inserting the following new paragraph immediately after paragraph (f)—

Amendment of section 4 of No. 24 of 2013.

“(fa) collaborate with county governments to provide social services to the elderly persons in all counties;”

3. Section 17 of the principal Act is amended in subsection (3) by inserting the following new paragraph immediately after paragraph (c) —

Amendment of section 17 of 24 of 2013.

“(ca) persons earning low wages;”

4. The principal Act is amended in section 22 by inserting the following new section immediately after section 22—

Insertion of new section 22A into No. 24 of 2013.

Persons earning low wages.

22A. (1) A person earning a low wage qualifies for social assistance if —

- (a) there is proof the person earns a low wage; and
- (b) the failure to have a high source of income is not due to negligence or lack of industry by the person.

(2) The Authority shall review the social assistance granted to a person earning low wages under subsection (1), every six months to ascertain whether the person is still eligible for social assistance.

(3) The Cabinet Secretary in consultation with the Authority shall develop a scheme to give effect to this section.

(4) For the purposes of this section “a person earning low wage” means “a person who is employed but cannot meet their basic necessities of life.”

5. Section 24 of the principal Act is amended by —

Amendment of
section 22 of No.
24 of 2013

(a) renumbering section 24 as section 24(1); and

(b) inserting the following subsections immediately after sub-section (1)

(2) The Cabinet Secretary in consultation with the Authority shall regularly review the intervals of payments and the amount of social assistance payable to all eligible persons to reflect the change in the cost of living.

(3) For purposes of this section “cost of living” means the cost of purchasing goods and services as measured by the changes in consumer price index as provided by the Kenya National Bureau of Statistics periodically.

**THE SOCIAL ASSISTANCE (AMENDMENT) BILL,
2023**

A Bill for

AN ACT of Parliament to amend the Social Assistance Act and for connected purposes.

ENACTED by the Parliament of Kenya, as follows—

1. This Act may be cited as the Social Assistance (Amendment) Act, 2023. Short title.

2. Section 4 of the principal Act is amended by inserting the following new paragraph immediately after paragraph (f)— Amendment of section 4 of No. 24 of 2013.

“(fa) collaborate with county governments to provide social services to the elderly persons in all counties;”

3. Section 17 of the principal Act is amended in subsection (3) by inserting the following new paragraph immediately after paragraph (c) — Amendment of section 17 of 24 of 2013.

“(ca) persons earning low wages;”

4. The principal Act is amended in section 22 by inserting the following new section immediately after section 22— Insertion of new section 22A into No. 24 of 2013.

Persons earning low wages.

22A. (1) A person earning a low wage qualifies for social assistance if —

- (a) there is proof the person earns a low wage; and
- (b) the failure to have a high source of income is not due to negligence or lack of industry by the person.

(2) The Authority shall review the social assistance granted to a person earning low wages under subsection (1), every six months to ascertain whether the person is still eligible for social assistance.

(3) The Cabinet Secretary in consultation with the Authority shall develop a scheme to give effect to this section.

(4) For the purposes of this section "a person earning low wage" means "a person who is employed but cannot meet their basic necessities of life."

5. Section 24 of the principal Act is amended by —

Amendment of
section 22 of No.
24 of 2013

(a) renumbering section 24 as section 24(1); and

(b) inserting the following subsections immediately after sub-section (1)

—
(2) The Cabinet Secretary in consultation with the Authority shall regularly review the intervals of payments and the amount of social assistance payable to all eligible persons to reflect the change in the cost of living.

(3) For purposes of this section "cost of living" means the cost of purchasing goods and services as measured by the changes in consumer price index as provided by the Kenya National Bureau of Statistics periodically.

MEMORANDUM OF OBJECTS AND REASONS

Statement of objects and reasons

The principal object of the Bill is to amend the Social Assistance Act, No. 24 of 2013 to require the Social Assistance Authority to collaborate with County Governments in the provision of social assistance to elderly persons in terms of shelter and health care services.

The Bill addresses the need for periodic review of the financial assistance offered to elderly persons under social assistance services to factor in inflation and the rising cost of living to ensure that elderly members of Kenyan society are able to live dignified lives regardless of their age.

Clause 2 of the Bill, proposes to amend section 4 of the principal Act to require the Social Assistance Authority to collaborate with the County Governments to provide social services to elderly persons in all counties.

Clause 3 of the Bill proposes to amend section 17 of the principal Act to include persons earning low wages as persons in need for purposes of getting social assistance.

Clause 4 of the Bill, proposes to amend section 22 of the principal Act to insert a new section 22A to expand the categories of the people eligible to get social assistance to include people earning low wages. The new section defines "persons earning low wages" for purposes of social assistance and provides a review of the list every six months to determine the eligibility of the persons to continue getting social assistance under the category of "persons earning low wages."

Clause 5 of the Bill, proposes to amend section 24 of the principal Act to require the Cabinet Secretary in consultation with the Authority to regularly review the interval of payments and the amounts payable under social assistance to persons in need to reflect the change in the cost of living.

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

The Bill does not contain any provisions limiting any fundamental rights or freedom.

Indication of whether the Bill concerns County Governments

The Bill seeks to amend the Social Assistance Act, No. 24 of 2013 to require the Social Assistance Authority to collaborate with County governments in the provision of social assistance to elderly persons in terms of shelter and health care services.

Paragraph 2 (a) and (c) of Part 2 of the Fourth Schedule to the Constitution provides that county health services including the promotion of primary health care and provision of county health facility is a function of county governments.

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 as to whether the Bill is 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 16th November, 2023

PETER FRANCIS MASARA,
Member of Parliament.

MEMORANDUM OF OBJECTS AND REASONS

Statement of objects and reasons

The principal object of the Bill is to amend the Social Assistance Act, No. 24 of 2013 to require the Social Assistance Authority to collaborate with County Governments in the provision of social assistance to elderly persons in terms of shelter and health care services.

The Bill addresses the need for periodic review of the financial assistance offered to elderly persons under social assistance services to factor in inflation and the rising cost of living to ensure that elderly members of Kenyan society are able to live dignified lives regardless of their age.

Clause 2 of the Bill, proposes to amend section 4 of the principal Act to require the Social Assistance Authority to collaborate with the County Governments to provide social services to elderly persons in all counties.

Clause 3 of the Bill proposes to amend section 17 of the principal Act to include persons earning low wages as persons in need for purposes of getting social assistance.

Clause 4 of the Bill, proposes to amend section 22 of the principal Act to insert a new section 22A to expand the categories of the people eligible to get social assistance to include people earning low wages. The new section defines "persons earning low wages" for purposes of social assistance and provides a review of the list every six months to determine the eligibility of the persons to continue getting social assistance under the category of "persons earning low wages."

Clause 5 of the Bill, proposes to amend section 24 of the principal Act to require the Cabinet Secretary in consultation with the Authority to regularly review the interval of payments and the amounts payable under social assistance to persons in need to reflect the change in the cost of living.

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

The Bill does not contain any provisions limiting any fundamental rights or freedom.

Indication of whether the Bill concerns County Governments

The Bill seeks to amend the Social Assistance Act, No. 24 of 2013 to require the Social Assistance Authority to collaborate with County governments in the provision of social assistance to elderly persons in terms of shelter and health care services.

Paragraph 2 (a) and (c) of Part 2 of the Fourth Schedule to the Constitution provides that county health services including the promotion of primary health care and provision of county health facility is a function of county governments.

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 as to whether the Bill is 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 16th November, 2023

PETER FRANCIS MASARA,
Member of Parliament.

Section 4 of No. 24 of 2013 which it is proposed to amend—

4. Functions of the Authority

4. (1) The functions of the Authority shall be to—

- (a) identify and provide social assistance to persons in need of social assistance;
- (b) plan, develop, operate and manage any project or enterprise that has as its object to render recipients of social assistance capable of self support;
- (c) make grants to any organization, group or body of citizens for the purpose of providing assistance to persons in need or likely to become in need;
- (d) construct or acquire, maintain and operate residential institutions for people in need of social assistance;
- (e) sponsor, develop or operate community development services;
- (f) enter into agreements with agencies or other persons for the provision of social services;
- (g) approve residential institutions for the purposes of this Act;
- (h) advise the Minister on the national policy to be adopted with regard to provision of social assistance;
- (i) formulate and enforce standards for the conduct of social assistance programmes;
- (j) maintain and promote the status, wellbeing, rights, safety and security of persons in need of social assistance;
- (k) develop, maintain and operate a national social assistance information management system;
- (l) facilitate the periodic review of the national social assistance policy in line with other government policy statements;
- (m) mobilize resources to support and fund social assistance programmes and initiatives;
- (n) coordinate with other social assistance organizations to ensure that persons in need of social assistance access to resources and services appropriate to their needs;
- (o) coordinate and harmonize social assistance programmes;
- (p) inspire and promote the spirit of protecting persons in need of social assistance;

- (q) develop mechanisms to facilitate citizen participation in social assistance programmes;
- (r) formulate operational guidelines that protect persons in need against any form of abuse or manipulation;
- (s) work with other agencies to roll out and popularise social assistance programmes;
- (t) establish cost-effective, predictable and sustainable interventions that benefit the persons in need of social assistance;
- (u) develop guidelines for implementation, monitoring and evaluation of social assistance programmes; and
- (v) perform such other functions as may be necessary for the better carrying out of the functions of the Authority under this Act.

Section 17 of No. 24 of 2013 which it is proposed to amend—

Social assistance to persons in need

17. (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.

Section 22 of No. 24 of 2013 which it is proposed to amend—

Unemployed persons

22. (1) A person qualifies for social assistance as an unemployed person if—

Section 4 of No. 24 of 2013 which it is proposed to amend—

4. Functions of the Authority

4. (1) The functions of the Authority shall be to—

- (a) identify and provide social assistance to persons in need of social assistance;
- (b) plan, develop, operate and manage any project or enterprise that has as its object to render recipients of social assistance capable of self support;
- (c) make grants to any organization, group or body of citizens for the purpose of providing assistance to persons in need or likely to become in need;
- (d) construct or acquire, maintain and operate residential institutions for people in need of social assistance;
- (e) sponsor, develop or operate community development services;
- (f) enter into agreements with agencies or other persons for the provision of social services;
- (g) approve residential institutions for the purposes of this Act;
- (h) advise the Minister on the national policy to be adopted with regard to provision of social assistance;
- (i) formulate and enforce standards for the conduct of social assistance programmes;
- (j) maintain and promote the status, wellbeing, rights, safety and security of persons in need of social assistance;
- (k) develop, maintain and operate a national social assistance information management system;
- (l) facilitate the periodic review of the national social assistance policy in line with other government policy statements;
- (m) mobilize resources to support and fund social assistance programmes and initiatives;
- (n) coordinate with other social assistance organizations to ensure that persons in need of social assistance access to resources and services appropriate to their needs;
- (o) coordinate and harmonize social assistance programmes;
- (p) inspire and promote the spirit of protecting persons in need of social assistance;

- (q) develop mechanisms to facilitate citizen participation in social assistance programmes;
- (r) formulate operational guidelines that protect persons in need against any form of abuse or manipulation;
- (s) work with other agencies to roll out and popularise social assistance programmes;
- (t) establish cost-effective, predictable and sustainable interventions that benefit the persons in need of social assistance;
- (u) develop guidelines for implementation, monitoring and evaluation of social assistance programmes; and
- (v) perform such other functions as may be necessary for the better carrying out of the functions of the Authority under this Act.

Section 17 of No. 24 of 2013 which it is proposed to amend—

Social assistance to persons in need

17. (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.

Section 22 of No. 24 of 2013 which it is proposed to amend—

Unemployed persons

22. (1) A person qualifies for social assistance as an unemployed person if—

- (a) the person is a youth;
- (b) there is proof that the person has no source of income; and
- (c) the failure to have a source of income is not due to negligence or lack of industry by the person.

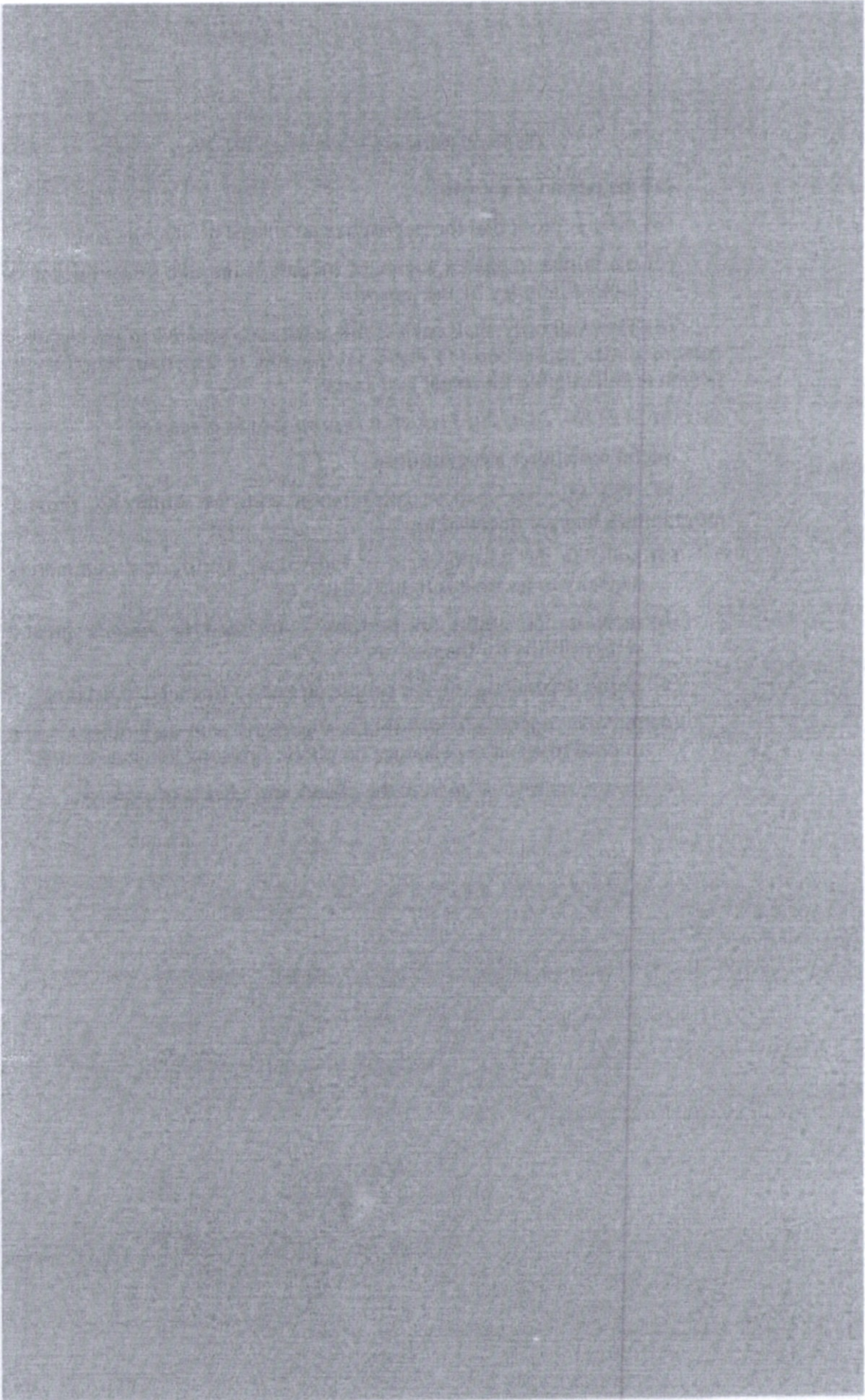
(2) The Authority shall review the assistance granted to unemployed persons under subsection (1) every six months to ascertain whether the person is still eligible for social assistance.

Section 24 of No. 24 of 2013 which it is proposed to amend—

Social assistance programmes

24. The Minister shall in consultation with the Authority, provide programmes that are intended to—

- (a) assist in the development of individual, family and community capacity to become self-sufficient;
- (b) increase the ability of persons in need to assume greater responsibility for themselves;
- (c) lessen dependence by the people on public financial assistance;
- (d) provide support services to allow persons who may otherwise be in need to avoid dependence on public financial assistance; and
- (e) lessen, remove or prevent the causes and effects of poverty.



- (a) the person is a youth;
- (b) there is proof that the person has no source of income; and
- (c) the failure to have a source of income is not due to negligence or lack of industry by the person.

(2) The Authority shall review the assistance granted to unemployed persons under subsection (1) every six months to ascertain whether the person is still eligible for social assistance.

Section 24 of No. 24 of 2013 which it is proposed to amend—

Social assistance programmes

24. The Minister shall in consultation with the Authority, provide programmes that are intended to—

- (a) assist in the development of individual, family and community capacity to become self-sufficient;
- (b) increase the ability of persons in need to assume greater responsibility for themselves;
- (c) lessen dependence by the people on public financial assistance;
- (d) provide support services to allow persons who may otherwise be in need to avoid dependence on public financial assistance; and
- (e) lessen, remove or prevent the causes and effects of poverty.

