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COUNTY ASSEMBLY
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TANA RIVER COUNTY BILLS, 2018

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**THE TANA RIVER COUNTY OLDER PERSONS
BILL, 2018**

A Bill for

AN ACT of the County Assembly of Tana to give effect to Article 57 of the Constitution; to provide a framework for the care of older persons; to establish a framework for the empowerment and protection of older persons and the maintenance of their well-being, to alleviate poverty and reduce economic vulnerability of older persons; and for connected purposes

ENACTED by the County Assembly of Tana River, as follows—

PART I — PRELIMINARY

1. This Act may be cited as the Tana River County Older Persons Act, 2018 and shall come into force on the fourteenth day upon publication in the *Gazette*.

Short title and
commencement
date.

2. In this Act unless the context otherwise requires—

Interpretation.

“administrator of older persons fund” means a person designated as such under this Act;

“beneficiary” means an older person receiving social assistance from the County Government;

“board” means the Older Persons Fund Board established under section 22 of this Act;

“county” means the Tana River County established by Article 6 and First Schedule to the Constitution of Kenya, 2010;

“County Executive Committee Member” means the County Executive Committee Member responsible for matters relating to Social Services;

“County Government” means the County Government of Tana River as established by Article 6 and First Schedule to the Constitution of Kenya, 2010 and the County Governments Act, 2012;

“department” means the county department responsible for matters relating to social services;

“financial assistance” means social protection assistance provided by the County Government to a beneficiary through payment—

- (a) of food, shelter, clothing, fuel, utilities, household supplies and personal requirements;
- (b) for special needs of the kind prescribed by the regulations;
- (c) for care in residential institutions;
- (d) for travel and transportation expenses;
- (e) for funeral and burial expenses;
- (f) for health care services;
- (g) of comfort allowances and allowances for other needs of residents of residential institutions; and
- (h) of any other expense for the beneficiaries' as the Board may decide.

"financial year" means the period of twelve months ending on the 30th June in each year;

"older person" means a person who is sixty years of age or older;

"Fund" means a Older Persons Fund established by section 20 of this Act;

"officer administering the fund" means the Chief Officer responsible for social services;

"resident of Tana River county" means any person who lives in Tana River County;

"social assistance" means assistance provided in accordance with this Act to persons in need and other persons and includes financial assistance and social services;

"social services" means services having as their object the lessening, removal or prevention of the causes or effects of poverty, older persons neglect or dependence on public assistance.

3. The objects and purpose of this act is to—

Object and purpose
of the Act.

- (a) establish the Older Persons Fund;
- (b) establish a comprehensive framework that promotes the right of older persons as enriched under the Constitution;
- (c) promote and protect the status of older persons;

- (d) empower the older persons economically to enable them sustain themselves;
- (e) prevent the abuse of older persons; and
- (f) maintain and promote the status, well being, safety and security of older persons.

PART II—CARE OF OLDER PERSONS

4. Every older person has the right to —

Rights of older persons.

- (a) fully participate in the affairs of the community based on the older person's interests and capabilities;
- (b) take part in activities that enhance the older person's personal development and build capacity to generate income and to take part in activities that advance the older person's economic development;
- (c) access social and legal services for the enhancement of the protection of the older person's rights under the Constitution;
- (d) take part in activities that promote the older person's social, physical, mental and emotional well-being; and
- (e) receive reasonable care, assistance and protection from their family and the State.

5. The county government shall —

Obligations of the county government.

- (a) implement the national policy and strategies relating to older persons within the county;
- (b) formulate and implement county specific programmes for the care and protection of older persons within the county;
- (c) deliver social services for the care and protection of older person within the county as they may consider appropriate;
- (d) monitor and supervise institutions, organisations and such other persons involved in the delivery of social services to older persons in the county and co-ordinate the delivery of such services within the county; and

- (e) put in place programmes and projects that promote the generation of income by older persons and that enable older persons to, as far as possible, lead independent lives.

6. Any person providing services concerning older persons within the County shall—

Delivery of
services
concerning older
persons.

- (a) recognise the social, cultural and economic contributions of older persons;
- (b) promote the participation of older persons in decision making processes at all levels;
- (c) recognise the multi-dimensional needs of older persons and promote the fulfilment of such needs;
- (d) promote the development and basic care of older persons;
- (e) promote the prevention of exploitation and abuse of older persons; and
- (f) ensure, as far as is practicable, that services and facilities are accessible to older persons.

7. An older person has the right to benefit from family and community care and protection in accordance with the society's system of cultural values.

Right to family
and community
care.

8. (1) The County Executive Committee Member shall provide community based programmes for the care and protection of older persons residing within the County.

Community based
programmes.

(2) Community based programmes established under subsection (1) shall comprise —

- (a) prevention and promotion programmes that seek to promote the independent living of older persons residing within the County; and
- (b) home based care programmes that ensure that older persons residing within the county who suffer from any form of physical or mental infirmity and are unable to care for themselves receive care.

(3) The community based care programmes implemented pursuant to subsection(1) by the county government shall —

- (a) comprise county specific interventions that address the needs of older persons within the county;
- (b) promote family and community awareness on the care of older persons within the county and sensitize them on the care and support of older persons;
- (c) empower the older persons economically to enable them sustain themselves;
- (d) include the delivery of spiritual, cultural, medical, civic and social services to older persons within the county; and
- (e) integrate community care and development systems for older persons.

(2) The county government may put in place such infrastructure, including community centres and facilities, for the purpose of providing community based care and support services under this Act.

9. (1) A person shall not abuse or subject an older person to any form of physical or mental abuse.

Prohibition of
abuse.

(2) Any conduct or lack of appropriate action occurring within a relationship in which there is an expectation of trust which causes harm or distress or is likely to cause harm or distress to an older person constitutes abuse under subsection (1).

(3) For the purposes of subsection (1) and (2), abuse includes—

- (a) physical abuse which means any act or threat of physical violence towards an older person;
- (b) any conduct that violates the sexual integrity of an older person;
- (c) psychological abuse which means any pattern of degrading or humiliating conduct towards an older person, including—
 - (i) repeated insults, ridicule or name-calling;
 - (ii) repeated threats to cause emotional pain; and
 - (iii) repeated invasion of an older person's privacy, liberty, integrity or security;

- (d) economic abuse including –
 - (i) the deprivation of economic and financial resources to which an older person is entitled under any law; or
 - (ii) the unreasonable deprivation of economic n of economic and financial resources which the older person requires out of necessity.
 - (iii) the disposal of household effects or other property that belongs to the older person without the older person's consent.

(4) A person who contravenes the provisions of subsection (1) commits an offence and is liable, on conviction, to imprisonment for a term not exceeding five years or to a fine not exceeding one million or to both such fine and imprisonment.

PART III—SOCIAL ASSISTANCE TO OLDER PERSONS

10. (1) The County Government shall, in accordance with this Act, provide social protection services to older persons in need.

Eligibility for
Social Assistance.

(2) The County Executive Committee Member shall, in consultation with the County Older Persons Fund Board determine and *Gazette* the categories of older persons from which beneficiaries shall be drawn.

(3) An Older Person qualifies for social assistance if the person has attained the age of sixty years and above and—

- (a) is unemployed;
- (b) is incapable of catering for his or her basic needs, and there is no known source of income or support for the person;
- (c) is not a beneficiary of any other program with similar benefits;
- (d) is disabled by acute chronic illnesses;
- (e) has been neglected or abandoned by his or her relatives and is without any ascertainable means of support; or

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- (f) lives or begs on the street for a living.
- (4) To qualify for social assistance through social protection services under this Act, a person must —
 - (a) meet the criteria set under this Act;
 - (b) be a citizen of Kenya;
 - (c) be a permanent resident of Tana River County; and
 - (d) comply with any requirement prescribed in regulations by the department in consultation with the Board.
- (5) The County Government shall, in accordance with this Act, provide social protection services to older persons in need.

11. Social assistance may be provided to an applicant in the form of—

Forms of Social Assistance.

- (a) emergency assistance for a period not exceeding one month;
- (b) short term assistance for a period of less than four consecutive months;
- (c) long term assistance for a period of four or more consecutive months; or
- (d) special assistance as may be prescribed by the County Executive Committee Member.

12. The Department shall, in consultation with the Board and any other relevant authority, provide programmes that are intended to—

Programs become sufficient to self-

- (a) assist in the development of individual, family and community capacity to become self-sufficient;
- (b) increase the ability of older persons in need to assume greater responsibility for themselves;
- (c) lessen dependence by older persons in the County on public financial assistance;
- (d) provide support services to allow older 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.

13. (1) An older person may apply to the Board for social assistance, in the prescribed manner and form.

Application for social assistance.

(2) Where an application is made by an older person in accordance with subsection (1), the Board may conduct an investigation to verify that the person is eligible and the Board may request additional information.

(3) If the applicant —

- (a) qualifies for social assistance as provided for under this Act, the Board shall render the relevant social assistance;
- (b) does not qualify for social assistance in terms of this Act, the Board shall in writing, inform the applicant—

(i) that the applicant does not qualify for social assistance in terms of this Act;

(ii) of the reasons why the applicant does not qualify; and

(4) The Board shall convey its decision to the applicant within three months from the time the application under subsection (1) is received by the Board.

14. Financial assistance provided by the County Government to a beneficiary shall be of the amount as may be prescribed from time to time by the regulations.

Amount of financial assistance.

15. (1) If in the opinion of the Board, a beneficiary abuses the social protection assistance, the Board may—

Suspension and termination of the programme.

- (a) suspend all forms of social assistance to that person; or
- (b) appoint a person to receive the financial assistance on behalf of the beneficiary; and
- (c) to apply it, subject to the prescribed conditions and any other conditions that the Board may determine, for the benefit of the beneficiary.

(2) The Board may suspend or cancel social assistance if the assistance was—

- (a) obtained through misrepresentation, deceit, fraud or failure to disclose any material information;

(b) in excess of amounts permitted by the regulations; and

(c) approved and granted in error.

(3) The Board may terminate social assistance to or on behalf of a person who is absent from the County for a continuous period of six months or longer.

(4) The Board may reinstate financial assistance suspended under subsection (1) where, the Board is satisfied that the reasons advanced by the applicant justify the reinstatement.

16. (1) If the Board pays money erroneously to a person who is not entitled to social assistance, the amount of money so paid shall be an amount due to the Fund and shall be payable to the Fund by the person or, if the person is deceased by the estate of that person.

Erroneous payments.

(2) The Board shall recover the amounts to which a person was not entitled, as provided for under subsection (1), in accordance with this Act or any other law.

(3) The Board shall remit an amount owing by a person in terms of subsection(1) if the person satisfies the board that the person received the amount without knowing that they were not entitled to receive the payment.

17. (1) A person may not divulge any information furnished by an applicant in respect of an application for social protection under this Act except —

Confidentiality of information.

(a) to a person who requires it in order to perform a function in terms of this Act;

(b) when required to do so by law or by an order of court; or

(c) with the consent of the applicant.

(2) If the information submitted by an applicant changes, the applicant shall inform the board of the change as soon as possible.

18. Social protection services lapses—

(a) when the beneficiary dies; or

(b) if a beneficiary is out of the County for a continuous period of six months.

Lapses of Older Persons Funding.

(3) The Board may suspend or cancel the assistance of the beneficiary.

19. The Board shall review social protection services at any time where it has reason to believe that a change in the beneficiaries' circumstances may have occurred.

Review of social protection services.

PART IV— ESTABLISHMENT OF OLDER PERSONS FUND

20. (1) There is established a Fund to be known as the Older Persons Fund.

Establishment of the fund.

- (2) The older persons fund shall consist of—
- (a) such monies as may be appropriated by the County Assembly;
 - (b) grants and donations lawfully made to the Fund; and
 - (c) monies from any other lawful source provided for the Board.

(3) The County Assembly shall, in appropriating monies under subsection (2) in each financial year, ensure that adequate monies are allocated to the Fund through the Department responsible for Social services in accordance with its budget every year.

21. The object and purpose for which the Older Persons Fund is established is to—

Objects and purpose of the fund.

- (a) provide assistance to older persons in need of social assistance; and
- (b) any other purpose that would enhance the development and promotion of social assistance that may be approved by the Board.

22. (1) There is established a board to be known as the Older Persons Fund Board which shall be in charge of the overall management of the fund.

Establishment of the Board.

- (2) The Board shall consist of—
- (a) The Chief officer for the time being responsible for matters relating to County Administration;
 - (b) The Chief Officer for the time being responsible for social services who shall be the secretary to the Board and shall not be entitled to vote;
 - (c) The Chief Officer for the time being responsible for matters relating to finance; and

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- (d) Three older persons appointed by the County Executive Committee Member.
- (3) In appointing persons as members of the Board, the County Executive Committee Member shall—
 - (a) have regard to ethnic and regional diversity of the people of Kenya;
 - (b) ensure that not more than two-thirds of the members of the Board are of the same gender; and
 - (c) take into account the national values set out in Article 10 of the Constitution.
- (4) The members shall at the first meeting of the Board elect a chairperson and a vice-chairperson.
- (5) The chairperson and the vice-chairperson shall not be of the same gender.
- (6) The County Executive Committee Member shall provide such public officers as may be necessary for secretariat services to the Board.

23. The Chairperson, Members and the Secretary shall, before assuming office, make and subscribe, before the Governor, to the oath of office or affirmation set out in the Second Schedule.

Oath of office.

24. A member of the Board, apart from ex-officio members, shall hold office for a period of three years and shall be eligible for reappointment for one further term of three years.

Tenure of office.

25. A member of the Board may be removed from office on any one or more of the following grounds—

Removal of members of the Board.

- (a) serious violation of the Constitution or any other law;
- (b) gross misconduct, whether in the performance of their functions or otherwise;
- (c) physical or mental incapacity that will render the person incapable of performing his or her duties;
- (d) absence from three consecutive meetings of the Board without a reasonable explanation;
- (e) incompetence or negligence of duty; or
- (f) bankruptcy.

26. A person shall cease to be a member of the Board if that person—

Vacation of office.

- (a) resigns in writing to the County Executive Committee Member;
- (b) is convicted of a criminal offence and sentenced to a term of imprisonment of not less than six months;
- (c) is incapacitated by prolonged physical or mental illness from performing the duties of the office of a member of the Board;
- (d) is removed from office in accordance to the provisions of section 25; or
- (e) dies

27. The Board shall manage the Fund and as such the Board shall—

Functions of the Board.

- (a) supervise and oversee the administration of the fund;
- (b) prescribe the form and manner of application for social protection service assistance from the Fund;
- (c) consider and approve all applications;
- (d) develop equitable criteria for the beneficiaries of the Fund;
- (e) establish management guidelines to the officer administering the Fund as may be necessary for the effective operations of the Fund; and
- (f) carry out such other duty as may be directed by the County Executive Committee Member for the proper management of the Fund.

28. The conduct and regulation of the business and affairs of the Board shall be as provided in the First Schedule.

Conduct of business by the Board.

29. There shall be paid to the appointed members of the Board such remuneration, fees, allowances and disbursements for expenses as may be approved by the County Public Service Board upon the advice of the Salaries and Remuneration Commission.

Remuneration of members of the Board.

30. (1) The expenditure incurred on the Older Persons Fund shall be on the basis of and limited to annual work programmes and cost estimates which shall be prepared by the administrator of the Older persons Fund, and approved by the Board at the beginning of the financial year to which they relate.

Expenditure on the
Older Persons
Fund.

(2) Any revision of the approved annual work programme, and of any cost estimate, shall be referred to the Board for approval.

31. All receipts, earnings and accruals to the Older Persons Fund, and the balance of the Older persons Fund at the close of each financial year, shall be retained by the Older persons Fund for use for the purpose for which the Older Persons Fund is established.

Retention of
Receipts.

32. Subject to the provisions of the Public Finance Management Act, 2012, existing Government Regulations and Procedures shall apply in the administration of the Fund.

Application of
Government
Regulations and
procedures.

33. (1) The accounting officer of the department for the time being responsible for the matters relating to social services shall be designated as the administrator of the Fund.

Administration
of the Fund.

(2) The Officer administering the Fund shall—

- (a) supervise and control the administration of the Fund;
- (b) open and operate a bank account with a bank to be approved by the County Treasury;
- (c) consult with the County Executive Committee Member and the Board on matters relating to the administration of the Fund;
- (d) cause to be kept proper books of accounts and other books and records in relation to the Fund, of all activities and undertakings financed from the Fund;
- (e) prepare, sign and transmit to the Auditor-General in respect of each financial year and within three months after the end thereof, a statement of accounts relating to the Fund; prepared and signed by him or her specifying the income of the Fund

and showing the expenditure incurred from the Fund, in such details as the Board may from time to time direct in accordance with the Public Finance Management Act;

- (f) furnish additional information which is proper and sufficient for the purpose of examination and audit by the Auditor- General in accordance with the provisions of the Public Audit Act; and
- (g) prepare a quarterly report on the expenditure of the fund and submit it to the County Executive Committee Member for gazettelement by the 21st of every fourth month.

Act No. 34 of 2015.

(3) Every statement of account prepared under this regulation shall include details of the financial status of the Fund as at the end of the financial year concerned.

(4) All monies of the Fund shall be paid into the special account operated by the officer administering the Fund as approved by the Board.

(5) 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 is established.

34. The County Executive Committee Member shall facilitate, and oversee the operations of the Board in the implementation of the Older persons Fund and in particular shall—

Role of the
County
Executive
Committee
Member.

- (a) develop policy measures relating to the Older persons Fund; and
- (b) give guidelines on the fund allocation formula for distribution.

35. The funds shall be disbursed under the following conditions—

Disbursement of
funds.

- (a) all disbursement from the Older persons Fund shall be approved and minuted by the Board;
- (b) all disbursements from the Older persons Fund shall be to the successful beneficiaries within the county;
- (c) the record of the amounts received by each constituency and the record of expenditure of amounts so received shall be submitted to the

Board within thirty days after the close of the relevant financial year, together with a copy of the relevant bank statements and no disbursements for the succeeding financial year shall be made into the accounts until the said records are duly received.

PART V—MISCELLANEOUS PROVISIONS

36. A person commits an offence if the person Offences.
knowingly —

- (a) makes a false or misleading statement in any application or report under this Act or makes an application or report that by reason of non disclosure of facts is false or misleading;
- (b) provides any person employed in the administration or enforcement of this Act with any statement or information that is false in any material part;
- (c) cashes a cheque for assistance to which the person is not entitled;
- (d) fails to report that the circumstances which caused the person to qualify for assistance have changed;
- (e) communicates or allows to be communicated to any person privileged information or allows a person to inspect or have access to a statement or other writing containing any such information; or
- (f) persistently refuses or neglects to maintain any other person for whose maintenance the person is liable.

(2) A person who is convicted of an offence under subsection (1) shall be liable to a fine not exceeding one hundred thousand shillings or imprisonment for a term not exceeding one year, or to both.

37. A person who is found guilty of an offence under this Act for which no penalty is expressly provided shall be General Penalty.
liable to a fine not exceeding five hundred thousand shillings or imprisonment for a term not exceeding two years, or to both such fine and imprisonment.

38. (1) The County Executive Committee Member shall, within six months from the date of enactment of this Act, make regulations generally to give full effect to this Act.

Regulations.

(2) Regulations made under subsection (1) shall be approved by the Assembly before coming into effect.

FIRST SCHEDULE (s. 28)

PROVISIONS AS TO THE CONDUCT OF BUSINESS AND AFFAIRS OF THE BOARD

1. (1) The Board shall hold such number of meetings at such places and at such times as it shall consider necessary for the proper discharge of its functions.

Meeting of the Board

(2) Notwithstanding sub-paragraph (1), the Board shall meet not less than four times in each financial year.

(3) At least fourteen days notice shall be given prior to any meeting of the Board.

2. The chairperson or any three members may call a special meeting whenever it is expedient for the transaction of the business of the Board by giving not less than seven days notice to the members.

Special meetings.

3. (1) The chairperson shall preside at all meetings of the Board.

Presiding at meetings.

(2) In the absence of the chairperson at a meeting, the vice-chairperson shall preside at that meeting of the Board.

(3) In the absence of the chairperson and the vice chairperson at a meeting, the members present shall elect a member to preside at that meeting off the Board.

4. The quorum for the conduct of business at meeting of the Board shall be a majority of the members of the Board.

Quorum.

5. (1) A decision on any matter before the Board shall be by a majority of votes of the members present and voting.

Voting.

(2) In the case of an equality of votes, the chairperson or the person presiding shall have a casting vote.

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6. Proceedings of the Board shall not be invalid by reason only of a vacancy in the membership of the Board or by reason of a defect in the appointment of a member.

Vacancies and
defects in
Appointment.

7. (1) Minutes of the proceedings at meetings of the Board shall be kept in such a manner, as the County Executive Committee Member shall direct.

Minutes.

(2) The minutes of the meetings of the Board shall be available to the County Executive Committee Member or to a person nominated by the County Executive Committee Member, on the request of the County Executive Committee Member.

8. The Board may establish such committees as may be necessary for the performance its functions.

Committees of the
Board.

9. Subject to the provisions of this Schedule, the Board shall regulate its own procedure

Power of the Board
to regulate its own
Procedure.

10. The Board may establish a code of conduct, applicable to all members of staff of the Board and justifiable for purposes of disciplinary proceedings, to ensure—

Code of conduct.

- (a) compliance with applicable law;
- (b) the effective, efficient and economical use of the Board's resources;
- (c) the effective, efficient and economical use of funds designated for payment to beneficiaries of social protection;
- (d) the promotion and assistance of the human dignity of beneficiaries of social protection;
- (e) the promotion and maintenance of a high standard of professional ethics;
- (f) the prevention of conflicts of interest; and
- (g) the assistance of confidential information held by the Board.

11. (1) A member or employee of the Board shall be considered to have a conflict of interest for the purposes of this Act if the member or employee acquires any pecuniary or other interest that could conflict with the proper performance of the members or employees duties as a member or employee of the Board.

Conflict of Interest.

(2) If at any time a member or employee of the Board has a conflict of interest in relation to any matter before the Board for consideration or determination or any

matter the Board could reasonably expect might come before it for consideration or determination the member or employee shall immediately disclose the conflict of interest to the other members of the Board and refrain from taking part, or any further part, in the consideration or determination of the matter.

(3) Where the Board becomes aware that a member or employee has a conflict of interest in relation to any matter before the Board, the Board shall direct the member or employee to refrain from taking part, or taking any further part in the consideration or determination the matter.

(4) If a chairperson has a conflict of interest the member shall, in addition to complying with the other provisions of this section, disclose the conflict that exists to the County Executive Committee Member in writing.

(5) Upon the Board becoming aware of any conflict of interest, it shall make a determination as to whether in future the conflict is likely to interfere significantly with the proper and effective performance of the functions and duties of the member or employee or the Board and the member with the conflict of interest shall not vote on this determination.

(6) Where the Board determines that the conflict is likely to interfere significantly with the member's proper and effective performance as provided for in paragraph (5), the member shall vacate office as a member of the Board unless the member has eliminate the conflict to the satisfaction of the Board within thirty days of the declaration of the conflict of interest.

(7) The Board shall report to the County Executive Committee Member any determination by the Board that a conflict is likely to interfere significantly with performance as above and whether or not the conflict has been eliminated to the satisfaction of the Board.

(8) The annual report of the Board shall disclose details of all conflicts of interest and determinations arising during the period covered by the report.

(9) The Board shall cause minutes of all resolution and proceedings of meetings of the Board to be entered in books kept for that purpose.

SECOND SCHEDULE

(S. 23)

**OATH/AFFIRMATION OF THE OFFICE OF CHAIRPERSON/
MEMBERS/ SECRETARY OF THE BOARD**

I..... having been appointed (the chairperson to /member of /secretary to) the Older Persons Fund Board under the Tana River County Older Persons Act, 2016, do solemnly (swear/declare and affirm) that I will at all times obey, respect and uphold the Constitution of Kenya and all other laws of the Republic, as well as the laws of the County, as legislated by the County Assembly; that I will faithfully and fully, impartially and to the best of my knowledge and ability, discharge the trust and perform the functions and exercise the powers devolving upon me by virtue of this appointment without fear, favour, bias, affection, or prejudice. (SO HELP ME GOD).

Sworn/declared by the said

Before me this day of.....

.....
Governor

MEMORANDUM OF OBJECTS AND REASONS

The principle object of the Bill is to provide for the protection and care of older persons within the county. It recognises the fact that for a long time, older persons, particularly those who are unable to care for themselves, have often been neglected and are unable to carry on living decent lives. It is therefore imperative to set up a system which can provide for the support of these older persons to enable them live decent lives, a right which is inherent and which is expressed under Article 57 of the Constitution.

The Bill therefore provides the necessary legal framework for the establishment of a system for the care and maintenance of Older Persons as follows—

Part I of the Bill deals with the preliminaries of the Bill including the short title, interpretation of words used in the Bill, and the objects and purpose of the Bill.

Part II of the bill provides for the care of older persons. In particular, it provides for the establishment and implementation of community and home based care programmes for older persons and prohibits the abuse of older persons and defines which acts constitute abuse.

Part III of the bill provides for social assistance. It makes provisions for financial assistance to be given to older persons in need or as may be prescribed by the county executive committee member in charge of social services.

Part IV establishes the older persons fund. It further provides for the administration of the Older Persons Fund and disbursements of the fund.

Part V of the bill provides for general matters. It provides for the penalty for the offence of giving false information. It further provides for the power of the County Executive Committee Member to make further regulations and general penalty.

The Bill does not limit any fundamental rights and freedoms.

This Bill concerns the county government.

The operationalization of certain provisions of the proposed law shall entail an additional expenditure of public funds. The funds will be provided for in the estimates.

Dated the 18th January, 2018.

IBRAHIM SALAH ADAMOW.
Member of County Assembly.