

SPECIAL ISSUE

Makueni County Gazette Supplement No. 17 (Acts No. 4)



REPUBLIC OF KENYA

**MAKUENI COUNTY GAZETTE
SUPPLEMENT**

ACTS, 2016

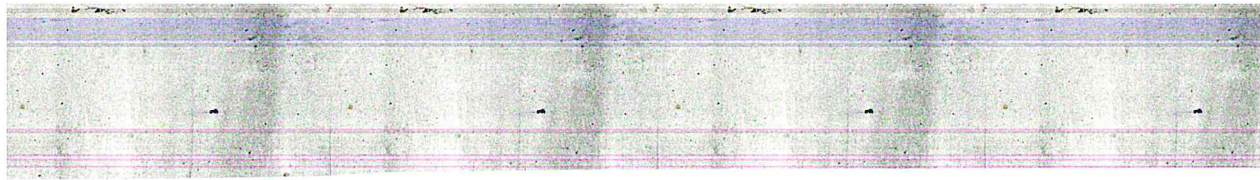
NAIROBI, 15th November, 2016

CONTENT

Act—

PAGE

The Makueni County Senior Citizens Act, 2016 1



THE MAKUENI COUNTY SENIOR CITIZENS ACT, 2016

No. 4 of 2016

Date of Assent: 8th November, 2016

Date of Commencement: 29th November, 2016

ARRANGEMENT OF SECTIONS

Section

PART I—PRELIMINARY

- 1—Short title and Commencement.
- 2—Interpretation.
- 3—Object and Purposes.

PART II—CARE OF SENIOR CITIZENS

- 4—Rights of Senior Citizens.
- 5—Obligations of the County Government.
- 6—Delivery of services concerning Senior Citizens
- 7—Right to family and Community Care.
- 8—Community Based Programmes.
- 9—Prohibition of abuse of a Senior Citizen.

PART III—SENIOR CITIZENS GRANT

- 10—Amount of Senior Citizens Grant.
- 11—Qualifications for Senior Citizens Grant.
- 12—Application for Senior Citizens Grant.
- 13—Abuse of Senior Citizens Grant.
- 14—Termination of Senior Citizens Grant.
- 15—Lapse of Senior Citizens Grant.

PART IV—MISCELLANEOUS PROVISIONS

- 16—General Penalty.
- 17—Regulations.

**THE MAKUENI COUNTY SENIOR CITIZENS
ACT, 2016**

AN ACT of the County Assembly of Makueni to establish a framework for the empowerment and protection of senior citizens and the maintenance of their well-being, to alleviate poverty and reduce economic vulnerability; and for connected purposes.

ENACTED by the County Assembly of Makueni, as follows—

PART I—PRELIMINARY

Short title

1. (1) This Act may be cited as the Makueni County Senior Citizens Act, 2016.

Interpretation

2. In this Act, unless the context otherwise requires—

“beneficiary” means a senior citizen who receives the senior citizens grant;

“county executive committee member” means the County Executive Committee Member responsible for social welfare and development;

“county government” means the county Government of Makueni;

“grant” means the Senior Citizens Grant;

“home-based care” means care provided or services rendered at the place where a senior citizen resides, excluding at a residential facility, by a care giver in order to maintain the senior citizen’s maximum level of comfort;

“officer in charge” means an officer appointed by the County Executive Committee Member to be in charge of administration of the senior citizens grant within the county;

“senior citizen” means a person who has attained the age of sixty five years; and

“senior citizens grant” means an amount of cash given to a senior citizen or for the benefit of a senior citizen.

Object and Purposes

3. The object and purposes of this Act are to—

(a) provide a framework that promotes the rights of Senior Citizens as enshrined under the Constitution;

- (b) promote and protect the status of Senior Citizens;
- (c) prevent the abuse of senior citizens.

PART II—CARE OF SENIOR CITIZENS

Rights of senior citizens

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

Obligations of the County Government

5. The County Executive Committee Member shall—
- (a) implement the national policy and strategies relating to senior citizens within the county;
 - (b) formulate and implement county specific programmes for the care and protection of senior citizens within the county;
 - (c) deliver social services for the care and protection of senior citizens 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 senior citizens in the county and coordinate the delivery of such services within the county; and
 - (e) put in place programmes and projects that promote the generation of income by senior citizens and that enable senior citizens to, as far as possible, lead independent lives.

Delivery of services concerning Senior Citizens

6. Any person providing services concerning senior citizens within the County shall—

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

Right to family and Community Care

7. A senior citizen has the right to—

- (a) reside at home for as long as is possible; and
- (b) benefit from family and community care and protection in accordance with the society's system of cultural values.

Community Based Programmes

8. (1) The county government shall establish and implement community based programmes for the care and protection of senior citizens residing within the county.

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

- (a) prevention and promotion programmes that seek to promote the independent living of senior citizens residing within the county; and
- (b) home based care programmes that ensure that senior citizens 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 senior citizens within the county;

- (b) promote family and community awareness on the care of senior citizens within the county and sensitize them on the care and support of senior citizens;
- (c) empower the senior citizens economically to enable them sustain themselves;
- (d) include the delivery of spiritual, cultural, medical, civic and social services to senior citizens within the county;
- (e) integrate community care and development systems for senior citizens.

(4) The County Government shall put in place such infrastructure, including community centres and facilities, for the purpose of providing community based care and support services under this Act.

Prohibition of abuse

9. (1) A person shall not abuse or subject a senior citizen to any form of physical or mental 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 a senior citizen 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 a senior citizen;
- (b) any conduct that violates the sexual integrity of a senior citizen;
- (c) psychological abuse which means any pattern of degrading or humiliating conduct towards a senior citizen, including—
 - (i) repeated insults, ridicule or name calling;
 - (ii) repeated threats to cause emotional pain; and
 - (iii) repeated invasion of a senior citizen's privacy, liberty, integrity or security;
- (d) economic abuse including—
 - (i) the deprivation of economic and financial resources to which a senior citizen is entitled under any law;

- (ii) the unreasonable deprivation of economic and financial resources which the senior citizen requires out of necessity; or
- (iii) the disposal of household effects or other property that belongs to the senior citizen without the senior citizen'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—SENIOR CITIZENS GRANT

Amount of senior Citizens Grant

10. The senior citizens grant shall not be less than one thousand Kenyan shillings per month.

Qualifications for Grant

11. A person qualifies for an senior citizens grant if the person—
- (a) is a Kenyan citizen;
 - (b) is a permanent resident of Makueni county;
 - (c) has attained the age of 65;
 - (d) has no ascertainable means of support or income; and
 - (e) is not a beneficiary of any other program with similar benefits.

Application for Senior Citizens Grant

12. (1) Applications for the senior citizens grant shall be submitted to the office of the County Executive Committee Member.

(2) The County Executive Committee Member shall designate an office within the department to receive and process applications for senior citizens grant.

(3) A person may apply for the senior citizens grant in the prescribed manner and form.

(4) Where an application is made by a person in accordance with this section, the officer in charge may conduct an investigation to verify that the person is eligible and may request for additional information if necessary.

(5) If the applicant does not qualify for issuance of grant in terms of this Act, the officer in charge shall in writing, inform the applicant—

- (i) that the applicant does not qualify for a grant in terms of this Act; and
- (ii) of the reasons why the applicant does not qualify.

(6) The officer in charge shall convey the decision to the applicant within one month from the time the application is received.

Abuse of Senior Citizens Grant

13. If in the opinion of the officer in charge a beneficiary abuses the grant, the officer in charge in consultation with the county executive committee member may—

- (a) suspend payment of grant; or
- (b) appoint a person to receive the grant on behalf of the beneficiary and to apply it, subject to the prescribed conditions and any other conditions that the county executive member may determine, for the benefit of the beneficiary.

Termination of Senior Citizens Grant

14. (1) The officer in charge may in consultation with the county executive member terminate payment of the grant to or on behalf of a senior citizen if the—

- (a) senior citizen is absent from the county, for a continuous period of six months or longer except for reasons of medication;
- (b) grant was obtained through misrepresentation, deceit, fraud or failure to disclose any material information;
- (c) grant is in excess of amounts permitted by this Act and Regulations made pursuant to this Act; and
- (d) grant was approved and granted in error.

(2) The County Executive Member may reinstate the provision of grant suspended under subsection (1) where the county executive member is satisfied that the reasons advanced by the applicant justify the reinstatement.

Lapse of Senior Citizens Grant

15. Senior Citizens grant lapses when the beneficiary—

- (a) dies;
- (b) is admitted to a residential institution.

MISCELLANEOUS PROVISIONS

General Penalty

16. A person who is convicted of an offence under this Act for which no penalty is provided shall be liable to a fine not exceeding one million shillings, or to imprisonment for a term not exceeding two years, or to both.

Regulations

17. The County Executive Committee Member may, make regulations generally for the better carrying out of the provisions of this Act. The regulations shall be submitted to the County Assembly for approval before they take effect.

