

LEGAL NOTICE NO...

THE VICTIM PROTECTION ACT, 2014

(No. 17 of 2014)

IN EXERCISE of the powers conferred by section 30(4) of the Victim Protection Act, 2014, the Attorney General makes the following Regulations—

THE VICTIM PROTECTION (TRUST FUND) REGULATIONS, 2020

Citation. **1.** These Regulations may be cited as the Victim Protection (Trust Fund) Regulations, 2020.

Interpretation. **2.** In these Regulations, unless the context otherwise requires—

No. 18 of 2012. “Accounting Standards Board” has the meaning assigned to it under section 2 of the Public Financial Management Act, 2012;

“Act” means the Victim Protection Act, 2014;

“administrator of the Fund” means the Board of Trustees as designated under section 30(1) of the Act;

“Board” means the Victim Protection Board established under section 31 of the Act; and

“Fund” means the Victim Protection Trust Fund established under section 27 of the Act.

Objects and purpose of the Fund. **3.** (1) The object and purpose of the Fund is to facilitate the assistance of and awards to victims of crime in accordance with the provisions of the Act.

(2) Without prejudice to the generality of sub regulation (1) and subject to section 28(2) of the Act, the object and purpose of the Fund is to make payments for—

- (a) expenses arising out of assistance to victims of crime;
- (b) balances that may accrue to the Fund;
- (c) expenses arising out of administering the Fund; and
- (d) such other purposes as the Board may recommend.

Fund disbursements. **4.** The funds shall be disbursed under the following conditions—

The Victim Protection (Trust Fund) Regulations, 2020

- (a) all disbursements from the Fund for all victim compensation claims shall be based on a court order and approved and minuted by the Board;
- (b) transfers to defray the expenses in respect of the administration of the Fund shall be approved by the Board for the respective financial year;
- (c) transfers towards investment of surplus funds shall be as approved by the Board from time to time; and
- (d) the Fund shall set out other general conditions and requirements for release of funds, to ensure efficient and effective management of resources.

Retention of receipts.

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.

Administration of the Fund.

6. (1) The administrator of the Fund shall—

- (a) open and operate a separate bank account or accounts at the Central Bank of Kenya or a bank to be approved by the Victim Protection Board and the National Treasury in accordance with the Act and these Regulations;
- (b) supervise and control the administration of the Fund;
- (c) consult with the Cabinet Secretary 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, upon the approval of the Victim Protection Board, in respect of each financial year and within three months after the end thereof, a statement of accounts relating to the Fund and submit a copy to the National Treasury and the statements shall be prepared in such a manner as the Accounting Standards Board shall prescribe;
- (f) furnish additional information to the Auditor General as he or she may consider to be proper and sufficient for the purpose of examination and audit by the Auditor-General in accordance with the provisions of the Public Audit Act, 2015; and
- (g) prepare a quarterly report on financial and non-financial

No. 34 of 2015.

activities of the Fund in accordance with the provisions of the Public Finance Management Act, 2012, and as may be prescribed from time to time by the Accounting Standards Board and submit the report to the Victim Protection Board for approval and subsequent transmission to the National Treasury and the Controller of Budget.

(2) Every statement of account shall include details of the balance between the assets and liabilities of the Fund, and shall indicate the financial status of the Fund as at the end of the quarter concerned.

(3) After the end of each month, the administrator of the Fund shall prepare a revenue statement and submit it to the Cabinet Secretary for publication in the *Gazette*.

Secretariat support for the administrator of the Fund.

7. The secretariat of the Board shall be responsible for the day-to-day running of the affairs of the Fund.

Protection from personal liability.

8. No matter or thing done by any public officer working under the authority of the Fund, if done in good faith, for the purposes of executing the powers, functions or duties of the Fund under these Regulations, shall render that public officer personally liable for any action, claim or demand whatsoever.

Preparation and submission of work plans, etc.

9. The administrator of the Fund shall prepare a work plan, projects and quarterly reports in respect of a financial year and in preparing the work plan, projects and quarterly reports, the Administrator of the Fund shall ensure the work plan, projects and quarterly reports—

(a) contain information on the financial and non-financial performance of the Fund; and

(b) are in a form that complies with the standards prescribed and published by the Accounting Standards Board from time to time.

Approval of reports.

10. The work plans, projects and quarterly reports referred to in regulation 9 shall be prepared by the administrator of the Fund before submission to the Board for approval.

Financial reports.

11. (1) The administrator of the Fund shall prepare annual financial and non-financial reports in accordance with the provisions of the Public Finance Management Act, 2012 and as may be prescribed from time to time by the Accounting Standards Board.

(2) In addition, the administrator of the Fund shall prepare an annual general performance report of the Fund to be submitted with the report under sub-regulation (1).

The Victim Protection (Trust Fund) Regulations, 2020

(3) The annual financial and non-financial statements under sub-regulation (1) shall be approved by the Board and submitted to the Auditor-General for audit within three months after the end of the financial year in accordance with the Public Audit Act, 2015 and a copy thereof submitted to the National Treasury.

Investment of funds.

12. Where in the opinion of the Board it is appropriate to do so, the Board may direct such sums from the Fund as it determines, be invested in government securities.

Annuity and winding-up of the Fund.

13. In the event of winding up of the Fund, the provisions of the Public Finance Management Act, 2012 shall apply.

Made on the....., 2020.

P. KIHARA KARIUKI,
Attorney-General.