



LEGAL NOTICE NO.....

**THE PUBLIC FINANCE MANAGEMENT ACT 2012**  
(No. 18 of 2012)

**THE PUBLIC FINANCE MANAGEMENT (VICTIM PROTECTION  
FUND) REGULATIONS, 2024**

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*Regulation*

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**THE PUBLIC FINANCE MANAGEMENT ACT**  
*(Cap. 412A)*

**IN EXERCISE** of the powers conferred by section 24(4) of the Public Finance Management Act, the Cabinet Secretary for the National Treasury and Economic Planning makes the following Regulations—

**THE PUBLIC FINANCE MANAGEMENT (VICTIM PROTECTION FUND) REGULATIONS, 2024**

Citation.                    **1.** These Regulations may be cited as the Public Finance Management (Victim Protection Fund) Regulations, 2024.

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

“Act” means the Public Finance Management Act;

“administrator of the Fund” means the person designated as such under regulation 15;

Cap. 79A.                    “Agency” means the Victim Protection Agency established under section 33 A of the Victim Protection Act;

“Board” means the Victim Protection Advisory Board established under regulation 9(1);

“Fund” means the Victim Protection Fund established under regulation 4;

“victim” has the meaning assigned to it under section 2 of the Victim Protection Act;

“victim officer” has the meaning assigned to it under section 2 of the Victim Protection Act; and

“victim support services” has the meaning assigned to it under section 2 of the Victim Protection Act.

Purpose and application of            **3.** The purpose of these Regulations is to establish the Victim Protection Fund, provide a legal framework for the

the Regulations. administrative operations of the Fund and the utilization of the monies standing to the credit of the Fund.

## **PART II —ESTABLISHMENT OF THE VICTIM PROTECTION FUND**

Establishment of the Fund. **4.** There is established a fund to be known as the Victim Protection Fund.

Object and purpose. **5.** (1) The object and purpose of the Fund shall be to facilitate the provision of victim support and response service to victims of offences that occurred within the territory of Kenya.

(2) Without prejudice to the generality of paragraph (1), the Fund shall facilitate—

- (a) urgent medical treatment;
- (b) psychosocial support;
- (c) placement of the vulnerable victim in place of safety;
- (d) decentralization of victim support services in all the counties;
- (e) attendance of victims in legal proceedings;
- (f) rescuing and placing in a place of safety, any other persons related to the victim who may still be in the custody or control of the offender; and
- (g) any other purpose approved by the Board in the furtherance of the object and purpose of the Fund.

Sources of funds. **6.** The Fund shall consist of—

- (a) monies appropriated by the National Assembly for purposes of the Fund;
- (b) the victim surcharge levy specified under section 29 of the Victim Protection Act;
- (c) grants or donations for the purposes of the Fund;
- (d) income generated from the Fund; and

(e) any money accruing to or received by the Fund from any other lawful source, as may be approved by the Cabinet Secretary.

Initial capital of Fund.

7. The initial capital of the Fund shall be three billion shillings appropriated by Parliament in the financial year 2023/2024.

Payment out of the Fund.

8. (1) There shall be paid out of the Fund monies in respect of any expenses incurred in pursuance of the objects and purpose for which the Fund is established.

(2) The expenditure incurred on the 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 Fund and approved by the Board at the beginning of the financial year to which they relate.

(3) Any revision of the approved annual work programmes and any cost estimate shall be referred to the Board and the Cabinet Secretary, for approval.

(4) The Board shall develop operational procedures for disbursement and accountability of Funds under these Regulations.

### **PART III — MANAGEMENT OF THE FUND**

Establishment of the Board.

9. (1) There is established an advisory Board to be known as the Victim Protection Advisory Board.

(2) The Board shall consist of—

- (a) a non-executive Chairperson, appointed by the Cabinet Secretary on the recommendation of the Attorney General;
- (b) the Principal Secretary for the time being responsible for matters relating to finance;
- (c) the Principal Secretary for the time being responsible for matters relating to internal security;
- (d) the Principal Secretary for the time being responsible for matters relating to health;
- (e) one person, being a public officer, nominated by the Council of Governors with knowledge in victim

support and response services;

(f) three independent persons, appointed by the Cabinet Secretary with knowledge in—

(i) law;

(ii) victim support services;

(iii) gender; or

(iv) children matters; and

(g) the Chief Executive Officer of the Agency.

(3) The *ex-officio* members of the Board may attend meetings of the Board in person or through a representative nominated in writing.

(4) The Cabinet Secretary shall, in appointing members of the Board specified under paragraph 2 (f), take into account affirmative action, gender equity, disability and ethnicity pursuant to the requirements of Articles 27, 54 and 55 of the Constitution.

(5) The Chairperson and members of the Board appointed under paragraphs (2) (a) and (f) respectively shall, subject to regulation 12, serve for a term of three years renewable once, subject to satisfactory performance.

(6) The Board may, from time to time co-opt other members as it may deem necessary, for the proper and efficient discharge of its functions, for such period as the Board may consider necessary.

Qualification  
for appointment.

**10.** A person shall be eligible for appointment as a Chairperson or a member of the Board under regulation 9 (2) (a) and (f), if that person—

(a) has at least a university degree from a university recognized in Kenya;

(b) has professional experience of not less than ten years in any of the following fields—

(i) victim protection;

(ii) gender;

- (iii) children matters;
- (iv) law; or
- (v) any other relevant field; and

(c) satisfies the requirements of Chapter Six of the Constitution.

Vacancy in office.

**11.** The office of the Chairperson or a member appointed under regulation 9 (2)(a) and (f) respectively, may become vacant if the holder—

- (a) dies;
- (b) resigns from office by notice, in writing, addressed to the appointing authority;
- (c) is convicted of a criminal offence and sentenced to a term of imprisonment;
- (d) is adjudged bankrupt;
- (e) term of office expires; or
- (f) is removed from office for any of the grounds provided for under regulation 12(1).

Removal from office.

**12.** (1) The Chairperson or a member appointed under regulation 9 (2)(a) and (f) respectively, may be removed from office by the appointing authority if that person—

- (a) has been convicted of an offence for a period exceeding six months without the option of a fine;
- (b) commits gross misconduct, whether in the performance of the office holder's functions or otherwise;
- (c) is unable to perform the functions of the Office for physical or mental incapacity;
- (d) is incompetent or neglects his duty;
- (e) is absent from three consecutive meetings of

the Board without permission from the Chairperson of the Board;

(f) violates the Constitution or any other written law; or

(g) is otherwise unable or unfit to discharge the functions of office.

Cap. 7L. (2) In making a decision under this regulation, the appointing authority shall be guided by the provisions of the Fair Administrative Action Act.

Filling of vacancy. **13.** The appointing authority may, where a vacancy occurs in the membership of the Board in relation to any of the positions specified under regulation 9(2) (a) and (f), appoint a new member in accordance with these Regulations, within a period of six months.

Functions of the Board. **14.** (1) The Board shall appropriate funds for the provision of victim support and response services and for any other purposes incidental to the objects and purposes of the Fund.

(2) Without prejudice to the generality of paragraph (1), the Board shall—

(a) provide oversight on the administration and management of the Fund;

(b) formulate strategies and develop operational guidelines to achieve the objects and purpose of the Fund including—

(i) set victim support and response threshold for disbursement to the victims; and

(ii) partnerships and collaborations with State and Non-State Actors;

(c) consider, review and approve estimates of revenue and expenditure of the Fund for each financial year;

(d) approve the opening and closing of the bank accounts by the administrator of the Fund;

(e) approve investment of Funds not immediately



required for its purpose in government securities;

- (f) receive, review and approve statutory and management reports of the Fund before submission to the Auditor-General with copies to the National Treasury and Controller of Budget;
- (g) advise the Cabinet Secretary responsible for matters relating to justice on the proper administration of the Fund;
- (h) approve, monitor and evaluate programs and activities of the Fund;
- (i) mobilise resources for the Fund;
- (j) develop criteria for funding arrangements with third parties; and
- (k) perform such other duties for the proper administration and management of the Fund.

(3) In exercising its functions, under paragraph (1), the Board may require an entity to provide additional information and documentation to access the Fund.

Conduct of meetings.

**15.** (1) The conduct of meetings of the Board shall be as provided in the Schedule.

(2) Notwithstanding the provisions of the Schedule, the Board shall determine its own procedure.

Administration of the Fund.

**16.** (1) The Chief Executive Officer of the Victim Protection Agency shall be designated as the Administrator of the Fund in accordance with section 24(5) of the Act.

(2) The Administrator of the Fund shall be the Secretary to the Board.

(3) The Administrator of the Fund shall—

- (a) open and operate a separate bank accounts of the Fund with the approval of the Board and the National Treasury in accordance with the Act;

- (b) supervise and control the administration of the Fund;
- (c) prepare annual estimates of revenue and expenditure and submit to the Board for approval;
- (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 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 accordance with the provisions of the Public Audit Act, 2015;
- (f) prepare, sign and submit to the Board in respect of each financial year and within three months, after the end thereof, a statement of account related to the fund for approval;
- (g) prepare a quarterly report on financial and non-financial 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 Board for approval and subsequent transmission to the National Treasury and the Controller of Budget.
- (h) prepare and submit quarterly and annual reports on financial and non-financial performance of the fund in accordance with the provisions of the Act; and
- (i) be the custodian of all the assets, equipment and property under the Fund.

No. 34 of 2015.

Secretariat support for the administrator of the Fund.

**17. (1)** There shall be a Secretariat of the Fund headed by the Administrator of the Fund.

(2) The Secretariat shall consist of such staff as the Administrator of the Fund, in consultation with the Board and the Public Service Commission, may consider necessary for the proper discharge of the mandate of the Fund.

(3) The Secretariat shall—

- (a) provide secretariat services to the Board;
- (b) implement the decisions of the Board; and
- (c) perform any other duty as they may be assigned by the Administrator of the Fund.

#### **PART IV—ACCESS TO THE FUND**

Eligibility  
criteria.

**18.** A person shall qualify for funding under these Regulations if the person—

- (a) is a victim of an offence that occurred in Kenya;
- (b) has reported to the police within twelve months after the commission of the offence; and
- (c) is not an accomplice or an accessory to the offence.

Application for  
funding.

**19.(1)** A person who qualifies for funding under these Regulations may make an application to the Board in the specified manner.

(2) The application under paragraph (1) shall be accompanied by —

- (a) a court order specifying the nature of reparations, support services, protection or response services;
- (b) a medical report where treatment is required;
- (c) an assessment report by the victim officer specifying the appropriate response services to the victim of offences, where response services are required; and
- (d) any other additional information as may be required by the Board.

(3) Upon receipt of the application under paragraph (1), the Administrator of the Fund shall evaluate the application for compliance with these Regulations.

(4) Upon evaluation under paragraph (3), the Administrator of the Fund shall make recommendations to the Board for consideration and approval of the application.

(5) The Administrator of the Fund shall, in writing, communicate the decision of the Board to the applicant, within seven days of such decision.

## PART V —FINANCIAL PROVISIONS

Application of Government regulations and procedures.

**20.** Subject to the provisions of the Act, existing government regulations and procedures shall apply in the administration of the Fund.

Financial year of the Fund.

**21.** The financial year of the Fund shall be a period of twelve months ending on the 30th of June of every year.

Preparation and submission of a work plan.

**22.** The Administrator of the Fund shall prepare and submit to the Board for approval, a work plan, procurement and cash flow plans in respect of each financial year.

Withdrawal from the Funds.

**23.** (1) Withdrawals from the Fund shall only be for purposes of approved use or investment of surplus funds and operational expenditure of the Fund.

(2) The Administrator of the Fund shall keep an up-to-date record of all expenditures and disbursements of the Fund maintained in accordance with the provisions of the Act and Regulations made thereunder.

Opening of Bank accounts.

**24.** The accounts shall be held for and on behalf of the Fund and shall be in the name of the Fund.

Investment of Funds.

**25.** The Administrator of the Fund may, with the approval of the Board, and in consultation with the Cabinet Secretary, invest any of the funds of the Fund which are not immediately required for its purposes in accordance with the provisions of the Act.

Administrative Costs.

**26.** The administrative cost of the Fund shall not exceed three per centum of the Funds latest annual audited financial statement.

Funds not to be overdrawn.

**27.** The Administrator of the Fund shall ensure the accounts of the Fund are not overdrawn.

Annual reports.

**28.** (1) The Administrator of the Fund shall prepare annual reports in accordance with the provisions of the Act.

(2) In addition, the Administrator of the Fund shall prepare an annual general performance report of the Fund to be submitted together with the report referred to under paragraph (1).

Annual estimates.                   **29.** At least three months before the commencement of each financial year, the Board shall cause to be prepared estimates of the revenue and expenditure of the Fund for that year in accordance with the Act.

Retention of receipts.           **30.** 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.

Audit.                                   **31.** The books of accounts of the Board including donor funds shall be prepared, audited and reported in accordance with Articles 226 and 229 of the Constitution, the Act and the Public Audit Act.  
Cap. 412B.

**PART VI— MISCELLANEOUS PROVISIONS**

Conflict of interest.           **32.** The Board shall not hold any interest in any property of the Fund otherwise other than in their capacity as Board members of the Fund or be interested in the supply of work, goods or services to the Fund or any other non-pecuniary conflict of interest.

Protection from personal liability.           **33.** The Chairperson, member of the Board, or any officer, employee or agent of the Fund shall not be liable for any action, suit or proceedings for or in respect of any act done or omitted to be done in good faith in the exercise of the functions, powers and duties conferred under these Regulations.

Preparation and submission of work plans, etc.           **34.** (1) A person who misappropriates any funds or assets from the Fund, or assists or causes any person to misappropriate or apply the funds otherwise than in the manner provided in these Regulations, commits an offence and shall, be liable, on conviction, to the penalty provided under section 199 of the Act.

(2) In addition to the penalty under paragraph (1) and subject to existing relevant law, the court may order for the recovery of the monies or assets acquired as a result of the commission of the offence thereof.

Annuity and winding-up of the Fund. **35.** The winding up of the Fund shall be in accordance with the provisions of the Act.

## **SCHEDULE** *(r.15(1)& (2))*

### **CONDUCT OF THE MEETINGS OF THE BOARD**

#### **Convening of meetings**

**1.** (1) The Board shall meet not less than four times in every financial year and not more than four months shall elapse between the date of one meeting and the date of the next meeting.

(2) The chairperson shall, in consultation with the Head of the Secretariat—

(a) determine the agenda of the meetings of the body including the date, time and venue of the meeting; and

(b) convene and chair its meetings.

(3) In the absence of the chairperson at a meeting of the Board, the meeting shall be chaired by the vice-chairperson elected by the members of the Board.

#### **Special meetings**

**2.** The chairperson shall, on the written requisition of one-third of the members of the Board, convene a special meeting of the Board.

#### **Notice of meetings**

**3.** Except in the case of a special meeting, at least fourteen days' written notice of a meeting of the Board shall be issued to each member of the Board.

#### **Quorum**

**4.** The quorum for the conduct of the business of a meeting of the Board shall be two thirds of the members of the Board. Provided that a vacancy in the membership of the Board shall not affect the quorum of the meetings.

#### **Attendance by non-members**

**5.** The Board may invite a person who is not a member of the Board to attend and participate at a sitting of the Board but such person shall not be entitled to vote.

Made on the....., 2024.

**NJUGUNA NDUNG’U,**  
*Cabinet Secretary, National treasury and Economic Planning.*