

THE COUNTER-TRAFFICKING IN PERSONS ACT

(No. 8 of 2010)

IN EXERCISE of the powers conferred by section 28(d) of the Counter-Trafficking in Persons Act, 2010, the Cabinet Secretary for Labour and Social Protection, in consultation with the Advisory Committee, makes the following Regulations—

THE COUNTER-TRAFFICKING IN PERSONS (NATIONAL ASSISTANCE TRUST FUND FOR VICTIMS OF TRAFFICKING IN PERSONS) REGULATIONS, 2020

PART I—PRELIMINARY

1. These Regulations may be cited as the Counter-Trafficking in Persons (National Assistance Trust Fund for Victims of Trafficking in Persons) Regulations, 2020. Citation.

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

“Act” means the Counter -Trafficking in Persons Act;

“Auditor General” means the Auditor General appointed under Article 229 of the Constitution; No. 8 of 2010

“Board of Trustees” has the meaning assigned to it under the Act; and

“financial year” means the period of twelve months ending on the thirtieth June in every year.

PART II—CONDUCT OF THE AFFAIRS AND BUSINESS OF THE
BOARD OF TRUSTEES

3. (1) For purposes of section 24 of the Act, not more than two thirds of the members of the Board of Trustees shall be of the same gender. Appointment of Trustees.
- (2) The Chairperson of the Board of Trustees shall be the member appointed under section 24 (1) (e) of the Act.
4. Whenever the office of a member of the Board of Trustees appointed under section 24(1) (e) and (f) of the Act falls vacant, the vacancy shall be filled in the same manner specified for that office under section 24(2). Filling of Vacancy.
5. (1) A person shall not be appointed as a member of the Board of Trustees if the person — Disqualification from appointment.
- (a) is a member of a governing body of any political party;
 - (b) is disqualified under the Constitution or any written law from holding a public office;
 - (c) is adjudged bankrupt or enters into a composition or arrangement with his creditors; and
 - (d) was previously involved in the management or administration of a scheme which was deregistered for any failure on the part of the management or the administration thereof.
6. A member appointed to the Board of Trustees under section 24(1)(e) or (f) of the Act shall cease to be a member of the Board of Trustees if the member— Vacation of office.
- (a) serves the Cabinet Secretary with a written notice of resignation;
 - (b) is absent from three consecutive meetings of the Board of Trustees without the permission of the chairperson;
 - (c) is convicted of a criminal offence and is sentenced to imprisonment for a term exceeding six months or a fine exceeding twenty thousand shillings;
 - (d) is adjudged bankrupt or enters into a composition scheme or arrangement with a creditor;
 - (e) is incapacitated by prolonged physical or mental illness from performing the duties of the office of a member of the Board of Trustees; or
 - (f) fails to comply with the provisions of the Trustee Act. Cap 167
7. (1) The Board of Trustees shall subject to the law relating to Trustees exercise all the powers necessary for the proper performance of its responsibilities under the Act. Powers of the Board of Trustees.
- (2) Without prejudice to the generality of paragraph (1), the Board may—