



THE NATIONAL TREASURY & ECONOMIC PLANNING

PUBLIC NOTICE

DRAFT PUBLIC FINANCE MANAGEMENT (PUBLIC PROSECUTIONS FUND) REGULATIONS, 2024

The Office of the Director of Public Prosecutions (ODPP) was established under Article 157 of the Constitution of Kenya, 2010 and is given effect by the Office of the Director of Public Prosecutions Act, 2013. The mandate of the ODPP is to institute and undertake prosecution of criminal matters, in all courts other than court-martial, and all other aspects incidental thereto.

The ODPP has deployed several measures in the fight against graft and other transnational organized and complex crimes. The ODPP is not only determined to prosecute suspects but also to recover stolen funds and proceeds of crime for the benefit of the Kenyan people. The proceeds of crime that have been unlawfully acquired will be traced, recovered, confiscated, and restored through plea bargaining, diversion, deferred agreements, compensation, and restitution.

The ODPP has now proposed the establishment of a Fund to be called the Public Prosecutions Fund, which will receive these proceeds of crime and use them for supporting the criminal justice system in Kenya and in particular the objectives highlighted in the paragraph below.

Public Prosecutions Fund will have the objective of supporting and facilitating the tracing, forfeiture or recovery of assets, supporting and facilitating other government agencies collaborating or assisting the Office in tracing, forfeiture or recovery of assets, facilitating the preservation of assets in the custody of the investigating agency, supporting the development and operationalization of a centralized case management and information system among other related activities.

Accordingly, an Inter-Agency Taskforce composed of officers drawn from the Office of the Director of Public Prosecution, Office of the Attorney General & Department of Justice, Office of the Inspector General and the National Treasury has now finalized preparing the draft Public Finance Management (Public Prosecution Fund) Regulations, 2024.

The Public Finance Management (Public Prosecutions Fund) Regulations, 2024 have been posted to the National Treasury website <http://www.treasury.go.ke>.

Now, pursuant to Section 4 (a) and 5 (3) (a) and (b) of the Statutory Instruments Act, 2013, the National Treasury & Economic Planning invites members of the public to submit any comments, inputs or memoranda they may have on the said draft Public Finance Management (Public Prosecution Fund) Regulations, 2024 in the format provided on the website.

The comments, inputs or memoranda thereof from the general public may be forwarded to the Principal Secretary, National Treasury, P. O. Box 30007-00100, Nairobi or hand-delivered to the Office of the Principal Secretary, National Treasury Building, Nairobi, or emailed to ps@treasury.go.ke and copied to jona.wala@treasury.go.ke to be received by **22nd October, 2024 at 5.00 p.m.** The comments inputs or memoranda from the general public once received will be considered public record and may be shared with the legislative arm of the Government. Comments are most helpful if they indicate the specific regulation or group of regulations to which they relate, contain a clear rationale and where applicable provide a suggestion for alternative wording. Comments must be submitted in English (see format for Template for Comments). The Regulations may be modified in light of comments received before being published in the final form.

There shall be in-person meetings for public consultations on the above Public Finance Management (Public Prosecution Fund) Regulations, 2024 as per the schedule below: -

	Stakeholder	Dates for meeting	Time for meeting
1.	Office of the Director of Public Prosecutions	23rd October, 2024	10.00 am
2.	Witness Protection Agency	23rd October, 2024	10.00 am
3.	Asset Recovery Agency	23rd October, 2024	10.00 am
4.	Office of the Inspector General	23rd October, 2024	10.00 am
5.	Office of Attorney General and Department of Justice	23rd October, 2024	10.00 am
6.	Members of the Public	23rd October, 2024	10.00 am

The invitation letters for the meetings shall be hand-delivered to the registered stakeholders before the date of the meeting. The venue of the meeting will be at **The National Treasury 5th floor AGDs Board room** as indicated in the invitation letter.

Hon. CPA John Mbadi Ng'ongo, EGH
CABINET SECRETARY/NATIONAL TREASURY AND ECONOMIC PLANNING