



REPUBLIC OF KENYA
THE NATIONAL TREASURY AND ECONOMIC PLANNING

THE REGULATORY IMPACT STATEMENT

IN THE MATTER OF PUBLIC PARTICIPATION ON:

THE DRAFT LEGAL NOTICE ON THE PUBLIC FINANCE MANAGEMENT (PUBLIC PROSECUTIONS FUND) REGULATIONS, 2024 BY THE OFFICE OF THE DIRECTOR OF PUBLIC PROSECUTIONS AND THE NATIONAL TREASURY AND ECONOMIC PLANNING.

- 1. The objectives of and reasons for the proposed Legal Notice are mainly to provide funds to support the Office, and in particular:**
 - a. support and facilitate the tracing, forfeiture, or recovery of assets;
 - b. support and facilitate other government agencies collaborating or assisting the Office in tracing, forfeiture, or recovery of assets;
 - c. facilitate the preservation of assets in the custody of the investigating agency;
 - d. support the development and operationalization of a centralized case management and information system;
 - e. support mechanisms and measures to enhance the efficiency and effectiveness of the Office;
 - f. support restorative and restitution justice processes;
 - g. support international cooperation and mutual legal assistance;
 - h. facilitate witness expenses;
 - i. facilitate the collection, retrieval, preparation, production, and provision of documentary evidence, electronic, forensic, and related evidence;
 - j. facilitate multi-agency approach in investigations and prosecutions that are initiated or undertaken by the Office;
 - k. facilitate technical assistance for Kenyan and international experts in complex and high-profile cases;
 - l. facilitate partnerships, collaboration, and the establishment of professional networks with other prosecution agencies in Kenya and internationally;
 - m. facilitate service of process in remote and inaccessible areas;

- n. facilitate C; and
- o. facilitate any other expense approved by the Administrator of the Fund that promotes the objects for which the Fund was established.

2. The effect of the proposed gazettelement of the Legal Notice includes the following: -

- a. Development and operationalization of a centralized case management and information system;
- b. Enhanced the efficiency and effectiveness of the Office;
- c. Expansion of services in remote and inaccessible areas;
- d. Provision of technical assistance for Kenyan and international experts in complex and high-profile cases;
- e. Enhanced collection, retrieval, preparation, production, and provision of documentary evidence, electronic, forensic, and related evidence

3. Assessment of costs and benefits of the proposed Public Prosecutions Fund

- a. The seed capital for the Fund will be appropriated by the National Assembly. The Office of the Director of Public Prosecutions will provide office space and allocate vehicles for operationalizing the Fund. Other sources of funds will be from recovery/forfeiture from proceeds of crime.

The benefits include: -

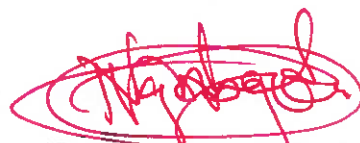
- a. Establishment of a multi-agency approach in investigations and prosecutions that are initiated or undertaken by the Office;
- b. Establishment of partnerships, collaboration, and the establishment of professional networks with other prosecution agencies in Kenya and internationally;
- c. Development and operationalization of a centralized case management and information system;
- d. preservation of assets in the custody of the investigating agency.

4. Other matters

Overall, the net impact of the proposed Legal Notice on Public Prosecutions Fund by the Office of the Director of Public Prosecutions is positive. It is recommended that the proposed Regulations be adopted.

5. Draft copy of the proposed statutory instrument

Draft copies of the proposed Legal Notice can be downloaded from the National Treasury website www.treasury.go.ke.



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