

SPECIAL ISSUE

Kakamega County Gazette Supplement No. 16 (Acts No. 5)



REPUBLIC OF KENYA

**KAKAMEGA COUNTY GAZETTE
SUPPLEMENT**

ACTS, 2016

NAIROBI, 12th October, 2016

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COUNTY ASSEMBLIES FORUM (CAF)
P. O. Box 73552 - 00200,
NAIROBI, KENYA

**THE KAKAMEGA COUNTY ADMINISTRATIVE UNITS AND
BOUNDARIES (AMENDMENT) ACT, 2016**

No. 5 of 2016

Date of Assent: 5th October, 2016.

Date of Commencement: 26th October, 2016

**AN ACT of the Kakamega County Assembly to amend the Kakamega
County Administrative Units and Boundaries Act, 2015 and for
connected purposes**

ENACTED by the Kakamega County Assembly as follows—

Short title

1. This Act may be cited as the Kakamega County Administrative Units and Boundaries (Amendment) Act, 2016

Amendment of section 2 of Act No.4 of 2015

2. The Kakamega County Administrative Units and Boundaries Act, 2015 (hereinafter referred to as "the principal Act") is amended in section 2 by *inserting*—

- (a) the words “and community area” immediately after the word ‘village’ in the definition of “Administrative Units”
- (b) the following new definition in its proper alphabetical sequence –
“Community area” means the designated decentralized administrative unit below a village.

Amendment to section 6 of Act No. 4 of 2015

3. Section 6 of the Principal Act is amended—

- (a) in subsection (1) by *deleting* the word ‘may’ appearing after the words ‘The Governor’ and *substituting* therefor with the word “shall”;
- (b) in subsection (2) by *deleting* the words ‘comprising of youth, persons with disability, women, elders among others’ and *inserting* the word ‘six’ before the word “members”
- (c) in subsection 2(a) by *deleting* the word “institution of surveyors” and *replacing* it with the word ‘institute of surveyors Kakamega Chapter’
- (d) in subsection 2(c) by *adding* the word “Kakamega Chapter” after the word ‘Kenya’
- (e) in subsection 3 by *deleting* the entire sub section and *substituting* with a new sub section 3 reading as follows—

No. 5 Kakamega County Administrative Units and Boundaries (Amendment)

“Subject to the approval by the County Assembly, the governor shall appoint a seventh person who shall be the chairperson of the committee”.

(f) By *deleting* sub section 5 and *substituting* thereof with the following new subsection—

(5) “In making the appointments, the Governor shall take into consideration gender balance.”

Amendment to section 13 of Act No.4 of 2015

4. (a) Section 13(2) of the principal Act is *amended* by deleting the entire paragraph and *substituting* therefor with a new paragraph as follows—

“The boundaries of each Village and Community Area shall be such that the number of inhabitants in the Village or community area is, as nearly as possible, equal to the respective population quotas, but the number of inhabitants of a Village or Community Area may be greater or lesser than the respective population quota in the manner specified in Sub section (3) to take account of”—

(b) Subsection 3 is *amended* by inserting the word “or community area” immediately after the word “village” and *inserting* the word “respective” before the word “population”

(3) The number of inhabitants of a community may be greater or lesser than the population quota by a margin of not more than—

(a) fifty per cent (50%) for urban areas;

(b) forty per cent (40%) for non-urban areas.

Amendment to section 16 of Act No.4 of 2015

5. Section 16 of the Principal Act is *amended*—

(a) in sub section 1 (a) by *inserting* the words ‘and community area’ immediately after the word “villages”

(b) in subsection 6 by *inserting* the words ‘and community area’ immediately after the word “villages”

Amendment to section 17 of Act No.4 of 2015

6. Section 17 of the Principal Act is amended by *deleting* the whole section and *substituting* therefor the following new section—

“A person dissatisfied with the decision of the Committee under this Act may apply to the Executive Committee Member in the first instance in the prescribed manner before exercising any right of appeal or review of such decision to the High Court within 14 days”