

SPECIAL ISSUE

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REPUBLIC OF KENYA

KAKAMEGA COUNTY GAZETTE SUPPLEMENT

BILLS, 2016

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ARRANGEMENT OF CLAUSES

Clause

PRELIMINARIES

- 1—Short title.
- 2—Amendment of section 2 of Act No. 4 of 2015.
- 3—Amendment to section 6 of Act No. 4 of 2015.
- 4—Amendment to section 13 of Act No. 4 of 2015.
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- 6—Amendment to section 17 of Act No. 4 of 2015.

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

A Bill for

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

ENACTED by the County Assembly of Kakamega 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 the words “and community area” immediately after the word “village” in the definition of “Administrative Units”.

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 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 subsection 3 reading as follows—
‘subject to the approval by the County Assembly, the governor shall appoint a chairperson of the committee’;
- (f) by deleting subsection 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 subsection (3) to take account of—”

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

Amendment to section 16 of Act No. 4 of 2015

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

- (a) in sub section 1 (a) by inserting the words ‘and community areas’ immediately after the word “villages;”
- (b) in subsection 6 by inserting the words ‘and community areas’ 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 words “High Court” and substituting thereof with the words “Executive Committee Member.

MEMORANDUM OF OBJECTS AND REASONS

Section 54 (1) of the County Governments Act provides for establishment of further structures of decentralised units. The principal object of this Bill is to amend Section 6, 13, 16 and 17 of the Kakamega County Administrative Units and Boundaries Act, 2015 so as to provide for the appointment criteria of members and chairperson of the County Administrative Boundaries Committee, provide for the delineation of community areas, cure ambiguities in the Act and introduce an internal redress mechanism for decisions made by the County Administrative Boundaries Committee.

The purpose of this amendment is therefore to ensure that in carrying out its functions the County Administrative Boundaries Committee is efficient, effective and accountable in its delivery of services and that it considers boundaries of further decentralised units to the community area level. The amendment also creates an internal redress mechanism to ensure speedy resolution of any complaints that may arise.

It is therefore my appeal that the Assembly and all stakeholders rally behind this Amendment Bill to have it enacted to ensure the county government achieves better and effective administration and delivery of services to the lowest level of its governance structures.

REUBEN NYAGWESO,
Chairperson, Public Service and Administration Committee.