

SPECIAL ISSUE

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

Kakamega County Gazette Supplement No. 4 (Bills No. 4)



REPUBLIC OF KENYA

**KAKAMEGA COUNTY GAZETTE
SUPPLEMENT**

BILLS, 2017

NAIROBI, 14th February, 2017

CONTENT

Bill for Introduction into the County Assembly of Kakamega—

PAGE

The Kakamega County Order of Precedence Bill, 2017 1

THE KAKAMEGA COUNTY ORDER OF PRECEDENCE
2017

ARRANGEMENT OF CLAUSES

Clause

PART I—PRELIMINARY

- 1—Short title and commencement.
- 2—Interpretation.
- 3—Object and Purpose.

PART II— ORDER OF PRECEDENCE AND PROTOCOL

- 4 —Order of Precedence.
- 5—Use of county flag.
- 6—Use of titles.

PART III— MISCELLANEOUS

- 7—Offences and penalties.
- 8—Rules.

THE KAKAMEGA COUNTY ORDER OF PRECEDENCE BILL, 2017

A Bill for

**AN ACT of the County Assembly of Kakamega to
provide for the order of precedence for officials at
official public and county functions and for
connected purposes**

ENACTED by the County Assembly of Kakamega, as
follows—

PART I — PRELIMINARY

1. This Act may be cited as the Kakamega County Order of Precedence Act, 2017 and shall come into effect upon publication. Short title and commencement

2. In this Act unless the context otherwise requires— Interpretation

“County” means Kakamega County;

“County Assembly” means County Assembly of Kakamega County;

“Executive Committee Member” means the Executive Committee Member responsible for public service and administration.

“Order of Precedence” means list of officers arranged in their order of seniority in the County; and

“County Public Officer” means any person appointed by the county government and holding or acting in county public office whether paid, unpaid or on permanent terms but does not include a person engaged on a part time basis in a county public body paid at an hourly or daily rate.

3. The object and purpose of this Act is to— Object and purpose

(a) maintain public order and decorum at public, social and official functions of the County; and

(b) promote a culture of respect, orderliness and discipline for public officials;

PART II—ORDER OF PRECEDENCE AND PROTOCOL

4. (1) There is established an Order of Precedence for the holders of the following public offices in the following Order of precedence.

hierarchy—

- (a) the Governor;
- (b) the Deputy Governor;
- (c) the Speaker of the County Assembly;
- (d) executive committee member;
- (e) county secretary and head of County public Service;
- (f) chairpersons of county Agencies and Boards;
- (g) chief officer, clerk County Assembly and chief of staff;
- (h) county attorney;
- (i) advisors;
- (j) the Leader of Majority and Leader of Minority of the County Assembly;
- (k) member of County Assembly;
- (l) heads of county agencies; and
- (m) county section head.

(2) The hierarchy of the order of precedence shall be based on the job groups of persons who are in the service of County Government. In any other case the order of precedence shall be determined by the head of protocol.

(3) In functions attended by national government officials, their order of precedence shall be as prescribed in national law.

(4) The order of precedence shall be used to—

- (a) determine and rank county public officers;
- (b) develop seating charts, programmes and the order in which national and county governments officials deliver address at national and county functions;
- (c) any other matters of protocol at county public functions.

PART III—MISCELLANEOUS

5. (1) Every county public officer shall be under obligation to comply with the provisions of this act.

Offences and
penalties

(2) If any such officer acts in contravention of the provisions of this Act, either through his or her disobedience, disregard, abuse, neglect or negligence, the county public officer commits an offence and shall be liable on conviction to a fine not exceeding ten thousand shillings or to imprisonment for a term not exceeding one month or both.

(3) Any other person other than a county public officer who contravenes the provisions of this Act commits an offence and shall be liable on conviction to a fine not exceeding five thousand shillings or to imprisonment for a term not exceeding one month or both.

6. The Executive Committee Member may make Regulations.
regulations for the better carrying into effect of the provisions of this Act.

MEMORANDUM OF OBJECTS AND REASON

The Bill seeks provide for a framework for to provide for the order of precedence for county officials at official public and county functions thereby maintaining public order and decorum.

This Bill is divided into three parts as follows—

Part I provides for preliminaries including short title, interpretation, object and purpose as well as principles of the Act while Part II sets the criteria for order of precedence.

Part III contains miscellaneous provisions including offences and penalties and the power to make regulations by the Executive Committee Member.

The Bill respects the separation of powers of national and county governments and recognizes the critical role assigned to the County with regard to public service and administration.

The Bill shall not occasion additional expense.

REUBEN NYANGWESO,
Chairperson, Public Service and Administration Committee.