

SPECIAL ISSUE

Lamu County Gazette Supplement No. 21 (Acts No. 8)

NATIONAL COUNCIL FOR
LAW REPORTING
LIBRARY



REPUBLIC OF KENYA

***LAMU COUNTY GAZETTE
SUPPLEMENT***

ACTS, 2015

NAIROBI, 25th November, 2015

CONTENT

Page

Act—

The Lamu County Petition to County Assembly (Procedure) Act, 2015.....3

THE LAMU COUNTY PETITION TO COUNTY ASSEMBLY (PROCEDURE) ACT, 2015

ARRANGEMENT OF SECTIONS

Sections

- 1—Short Title.
- 2—Interpretation.
- 3—Form of petition.
- 4—Procedure for presenting petition.
- 5—Consideration of petition.
- 6—Register of petition.

SCHEDULE — FORM OF PETITION

**THE LAMU COUNTY PETITION TO COUNTY ASSEMBLY
(PROCEDURE) ACT, 2015**

No. 8 of 2015

AN ACT of the County Assembly of Lamu to give effect to Article 37 of the Constitution and Section 15 of the County Government Act on the right to petition a County Assembly; to make provision for the procedure of exercising that right; to enhance public participation in the County Assembly matters and for connected purposes.

ENACTED by the County Assembly of Lamu as follows—

PART I—PRELIMINARY

Short Title.

1. This Act may be cited as the Lamu County Petition to County Assembly (Procedure) Act, 2015.

Interpretation.

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

“Clerk” means the Clerk of the County Assembly;

“Petition” means a written prayer to the County Assembly under Section 15 of the County Government Act, 2012;

“Petitioner” means a person who petitions the County Assembly in accordance with the procedure set out in this Act;

“Register” means register maintained by the Clerk under Section 6;

“Speaker” means the Speaker of the County Assembly.

Form of petition.

3. A petition to the County Assembly shall be in the form set out in the schedule and shall—

- (a) be handwritten, printed or typed;
- (b) be in English or Kiswahili and be written in respectful, decorous and temperate language;
- (c) be free of alterations and interlineations in its text;
- (d) be addressed to the County Assembly;
- (e) have its subject-matter indicated on every sheet if it consists of more than one sheet;
- (f) indicate whether any efforts have been made to have the matter addressed by a relevant body and whether there has been any response from that body or whether the response has been unsatisfied;
- (g) indicate whether the issues in respect of which the petition is made are pending before any law or other constitutional or legal body;
- (h) conclude with a clear, proper and respectful prayer, reciting the definite object of the petitioner or petitioners in regard to the matter to which it relates;
- (i) subject to paragraph (m), contains the names, address, identification numbers, signatures or thumb impression of the petitioner or every petitioner, where there is more than one petitioner;
- (j) contain only signatures or thumb impression, as the case may be, and addressed and identification numbers written directly on to the petition and not pasted thereon or otherwise transferred to it;
- (k) not have any letters, affidavits or other documents annexed to it unless if it is a petition for enactment of a Bill in which case the Bill shall be annexed;
- (l) in the case of a petition presented by a Member of the County Assembly on behalf of a petitioner, be countersigned by the Member presenting it;

- (l) in the case of a petition presented by a Member of the County Assembly on behalf of a petitioner, be countersigned by the Member presenting it;
- (m) be signed by the petitioner, or if the petitioner is unable to sign, by a witness in whose presence the petitioner shall make their mark on the petition; and
- (n) only covers matters that fall within the functions of County Governments as outlined in part II of the Fourth Schedule to the Constitution.

Procedure for
presenting petition.

4. (1) A petition to the County Assembly shall be—
- (a) Submitted to the Clerk by the petitioner; or
 - (b) Presented by a member of the County Assembly on behalf of the petitioner; with the consent of the Speaker.

(2) Despite sub-section (1) (b), a member of the County Assembly shall not be eligible to present a petition on their own behalf.

(3) The Clerk of the County Assembly shall, within seven days of the date of receipt of the petition, review the petition to ascertain whether the petition meets the requirements of this Bill.

(4) Where the Clerk of the County Assembly considers that a petition does not comply with section 3, the Clerk may give such directions as are necessary to ensure that the petition is amended to comply with that section.

Consideration of
petition.

5. (1) The Clerk of the Assembly shall, if satisfied that the petition meets the requirements of this Bill, forward the petition to the Speaker for tabling in the County Assembly.

(2) A petition that is tabled in the County Assembly under this Bill shall be considered in accordance with the standing orders of the County Assembly.

(3) The Clerk of the County Assembly shall, in writing, notify the petitioner of the County Assembly's decision within fifteen days of the County Assembly's decision.

Registers of petitions.

6. (1) The Clerk of the County Assembly shall keep and maintain a register in which shall be recorded—

- (a) all petitions and supporting document; and
- (b) the decisions of the County Assembly.

(2) The register of petition refers to under sub-section (1) shall be accessible to the public during working hours.

FIRST SCHEDULE

(Section 3)

FORM OF PETITION

I/We, the undersigned,

(Here, identify in general terms, who the petitioner or petitioners are, for example, citizens of Kenya, residence of province or region, workers of industry, etc.)

DRAW the attention of the County Assembly of the following:

(Here, briefly state the reasons underlying the request for the intervention of the County Assembly by outlining grievances or problems by summarizing the facts, which the petitioner or petitioners wish the County Assembly to consider.)

THAT

(Here confirm that efforts have been made to have the matter addressed by the relevant body, and it failed to give satisfactory response.)

THAT

(Here confirm that the issues in respect of which the petition is made are not pending before any court of law, or constitutional or legal body.)

HEREFORE your humble petitioner(s) pray that the County Assembly—

(Here, set out the prayer by stating in summary what action the petitioners wish the County Assembly to take or refrain from.)

And your PETITIONER(S) will ever pray.

Name of petitioner Signature/Thumb Impression	Full Address	National ID. Or Passport Number
.....		
.....		
.....		

(Subsequent Pages)

PETITION concerning.....
(Here, repeat the summary in first page)

Name of petitioner	Full Address	National ID. Or
Signature/Thumb		Passport Number
Impression		
.....		
.....		
.....		

* This form may contain such variations as the circumstances of each case may require.

