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LAMU COUNTY BILLS, 2018

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THE LAMU YOUTH DEVELOPMENT BILL, 2018

A Bill for

AN ACT of the County Assembly of Lamu to empower, improve and develop the youth as well as establishing a fund to provide access to capital and financing facilities through loans, grants and for connected purposes

ENACTED by the County Assembly of Lamu as follows—

PART I—PRELIMINARY

1. This Act may be cited as the Lamu County Youth Development Act, 2018 and will come into effect on such a date set by the County Executive Committee.

Short title and
Commencement

2. In this Act, unless the context otherwise requires “Chief Officer” means Chief Officer in charge of Youth Affairs;

Interpretation

“Constitution” means the Constitution of Kenya, 2010;

“County Executive Committee Member” means county executive committee member responsible for Youth Affairs established in accordance with Article 176 of the Constitution;

“Department” means the Department of Youth Affairs;

“Fund” means the Lamu County Youth Development Fund;

“Government” means County Government of Lamu;

“Grantee” means an applicant whose grant has been approved and granted under this Act;

“Group” means active youth groups registered for a period of six months with seventy-percent (70%) of its members being youth;

“Youth” means the collectivity of all individuals in the county who have attained the age of eighteen years but have not attained the age of thirty-six years;

“Youth Officer” means the Youth Officer in charge of Youth Affairs;

3. This Act seeks to serve the following objectives—

Object and purpose
of the Act

- (a) to unlock youth potential for sustainable wealth creation and development;
- (b) to promote an entrepreneurial culture;
- (c) to facilitate access to business development services by micro, small and youth owned enterprises;
- (d) to provide funds to be used for granting low-interest loans to women and youth with a view of scaling up their lending activities, value addition amongst other activities as may be prescribed;
- (e) to provide funds to support, revive and initiate micro-enterprises owned by the youth in sectors that can have an immediate impact to household income;
- (f) to attract and facilitate investment in economic sectors that have linkages to micro, small and medium enterprises that benefit the youth;
- (g) to facilitate formalization and upgrading of informal micro and small enterprises;
- (h) to enhance the capacity of the youth in the identification, planning, and implementation of sustainable socio-economic activities;
- (i) to promote youth entrepreneurship through empowerment programs such as training;
- (j) to enhance collaboration and partnership with the stakeholders for sustainable development;
- (k) to uplift the standard of living among the youth by ensuring that the youths enjoy equal rights, opportunities and a dignified life.

PART II— CAPACITY BUILDING

4. The County Executive Committee Member shall make concerted effort to equip the youth with necessary knowledge, skills, values and attitudes on socio-economic and political dynamics of their lives. This includes:

Capacity building
programs

- (a) offering training sessions to the youth on myriad areas of socio-economic empowerment
- (b) enhancing capacity of the youth to improve their

living standards;

- (c) providing civic education on various aspects of social life for the youth;
- (d) fostering the culture of entrepreneurship and financial management;
- (e) supporting the youth to do short courses;
- (f) partnering with civil society organizations in order to initiate programs that develop the youth; and
- (g) mobilizing resources for youth activities.

5. The government shall, in collaboration with other stakeholders, promote sports and recreational facilities for the youth through: -

Sports and
recreation

- (a) improved accessibility to recreation and sporting facilities in schools, communities, village and provide them with trained personnel to assist in identifying and developing youth talents;
- (b) promotion of traditional games as a way of recreation and culture preservation;
- (c) encourage youth representation on sports decision-making bodies;
- (d) rehabilitation of sports infrastructure;
- (e) professional coaching and training of sports actors
- (f) equipping sports centers with adequate facilities
- (g) development of artistic works and talent promotion

PART II— LAMU COUNTY YOUTH DEVELOPMENT FUND

6. (1) There is hereby established a Fund to be known as the Lamu County Youth Development Fund.

Establishment of
Lamu County
Youth
Development Fund

(2) The Fund shall be utilized, to empower the youth, in the way and manner provided under this Act.

(3) The shall Fund will consist of—

- (a) monies allocated and appropriated by the County Assembly of Lamu;

- (b) sums received as contributions, donations, endowments, gifts or grants;
- (c) refunds from any institution duly paid into the fund;
- (d) monies paid into the fund as fees or charges;
- (e) monies earned or realised from any investment of the fund;
- (f) monies from any other lawful sources accruing to the fund; or
- (g) such other monies as may be payable or vested in the fund.

7. The Fund shall be appropriated for the purpose of— Purpose of the Fund

- (a) providing access to capital and financial facilities to the medium and small enterprises;
- (b) providing access to capital and financial facilities to the youth groups and organizations;
- (c) spurring socio-economic development for the youth;
- (d) supporting small enterprises and groups to develop linkages with larger enterprises and national and international funding organizations;
- (e) marketing products of small and medium enterprises for the youth;
- (f) supporting entrepreneurship training for micro and medium enterprise to groups benefitting from the Fund.
- (g) rehabilitating youths who are affected by drug and substance abuse.

8. All monies received by the Fund shall be maintained in a separate bank account in the name of the Fund opened and administered in accordance with the provisions of the Public Finance Management Act, 2012 and regulations made under the Act. The bank account shall be managed by the following three mandatory signatories:- Opening of a Bank Account

- (a) Chief Officer in charge of the Department;
- (b) Chief Officer, Finance;

- (c) Secretary to the Lamu County Youth Development Fund Committee.

9. The Fund shall be given out regularly within the financial year—

Disbursement of
the Fund

- (a) the Fund shall not be given out in form of monies unless deem necessary;
- (b) the Fund shall be issued to youth groups or group representatives who may apply for short courses that are intended to improve the achievement of the group goals and objectives.
- (c) the Fund shall be used to financially support youth going for short courses when the total expenses of the course per person does not exceed Kshs. Fifty-thousand (50,000/-).
- (d) the Fund shall not be used to fund community projects/groups or individuals who benefitted from the Fund in the previous year unless there are no other applicants.
- (e) ninety-percent of the Fund for the year shall be for disbursement while only ten-percent shall be used for monitoring and evaluation, and the Committee expenses.
- (f) The Committee shall sit to determine the eligible applicants when an application is received.
- (g) the Youth Officer shall present successful applications to the Chief Officer for approval.
- (h) the successful applicant shall receive the items requested for from the Chief Officer.
- (i) the Chief Officer shall follow all procurement procedures in purchasing the items applied for by the group.
- (j) the Chief Officer shall keep records of the successful applicants and present a report to the County Assembly of Lamu through the County Executive Committee Member once every year.

10. All applications shall be in accordance with a prescribed format as set by the Committee.

Application
procedure

11. (1) There is established a Committee to be known as the Lamu County Youth Development Fund Committee which shall consist of –

Establishment of
the Committee

- (a) the Chief Officer who shall be the Chairperson;
- (b) Youth Officer who shall be the Committee secretary;
- (c) two youth from each sub county one male and female;
- (d) a representative of persons living with disabilities.

(2) The appointing authority for the membership of the Committee shall vest to the County Executive Committee Member responsible for Youth Affairs.

(3) The persons appointed under section (1) (c) and (d) shall hold office for a term of three years' renewable once.

PART IV— NEEDS ASSESSMENT

12. The Department in the implementation of programs under this Act shall perform the following:-

Establishment of
needs assessment
programs

- (a) identify youth concerns, needs, priorities, constraints and opportunities in the County;
- (b) ensure that youth needs, concerns and priorities are integrated in the implementation of this Act;
- (c) identify capacity needs and design appropriate sector specific for capacity building programs; and
- (d) develop annual work plans for youth empowerment in line with department's programs.

PART V— PENALTIES

13. (1) A person is guilty of an offence if the person—

Penalties

- (a) fails to comply with regulations made under this Act;
- (b) discriminates directly or indirectly against a person on any ground, including race, sex, pregnancy, marital status, health status, ethnic or social origin, colour, age, disability, religion or culture.

(2) A person who is convicted of an offence under subsection (1) is liable to a fine not exceeding twenty thousand shillings or to imprisonment for a term not exceeding one year or to both such fine and imprisonment.

(3) A person found guilty of an offence under this section may in addition to the penalty imposed by the court be ordered to pay the person injured by the offence such sums of money in compensation as the court may deem appropriate.

PART VI—REGULATIONS

14. The County Executive Committee Member shall issue regulations generally for the better carrying out the provisions of this Act, and without prejudice to the foregoing, may issue regulations in respect of the following

Power to Make
regulations

- (a) the operationalization of the Committee;
- (b) the receipt, processing and approval of applications for grants to applicants;
- (c) the preparation and maintenance of grantee's records;
- (d) the withdrawal, recovery and cancellation of grants; and
- (e) the waiver or exemption from repayment of grants

MEMORANDUM OF OBJECTS AND REASONS

This Bill of the County Assembly of Lamu to empower, improve and develop the youth as well as establishing a fund to provide access to capital and financing facilities through loans, grants and for connected purposes;

PART I of the Bill provides for preliminary matters including the short title, commencement and the interpretation of words and expressions used in the Bill and the objects and purpose of the Bill.

PART II of the Bill contains provisions for capacity building programs, sports and recreation.

PART III of the Bill contains provisions for establishment of the Youth Fund, Committee, disability mainstreaming and empowerment.

Part IV of the Bill is privileges with people with disability, including exception of county taxes and levies.

Part V and VI of the Bill contains Penalties and Regulations.

JONATHAN BAYA MKETTA,
*Chairperson Departmental Committee on
Education, Culture and Social Welfare.*