

SPECIAL ISSUE

Kenya Gazette Supplement No. 11 (Meru County Acts No. 4)



REPUBLIC OF KENYA

KENYA GAZETTE SUPPLEMENT

MERU COUNTY ACTS, 2018

NAIROBI, 22nd June, 2018

CONTENT

Act—

PAGE

The Meru County Youth Service Act, 2018 1

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

THE MERU COUNTY YOUTH SERVICE ACT, 2018

No. 4 of 2018

Date of Assent: 30th May, 2018

Date of Commencement: See section 1

ARRANGEMENT OF SECTIONS

Sections

PART I—PRELIMINARY

- 1—Short title.
- 2—Interpretation.
- 3—Objects of the Act.
- 4—Application of the Act.
- 5—Guiding principles.

PART II—ADMINISTRATION

- 6—Establishment of the Board.
- 7—Power to co-opt.
- 8—Remuneration of Board members.
- 9—Term of office.
- 10—Conduct of business and affairs of the Board.
- 11—Functions of the Board.
- 12—Powers of the Executive Member.
- 13—Secretary to the Board.
- 14—Staff of the Board.
- 15—Removal from Office of a Member of the Board.
- 16—Service Inspectorate Unit.
- 17—Command of the Service Inspectorate Unit.
- 18—Qualification for appointment as Chief Inspector.
- 19—Interdepartmental Committee.

PART III—REGISTRATION

- 20—Registration for youth training.
- 21—Eligibility for registration for youth training.

22—Factual information to be given.

23—Register.

24—Prohibition from unauthorized use of data.

PART IV—PROVISIONS ON RECRUITMENT, TRAINING AND COUNSELLING

25—Recruitment procedure for members of service.

26—Duties of members of the service.

27—Termination of Service.

28—Resignation from the Service.

29—Facilitation of training.

30—Training institution and centres.

31—Counselling.

32—Return of equipment.

33—Certificate.

PART V—DISCIPLINE

34—Disciplinary Regulations.

35—Insubordinate behaviour.

36—Desertion.

PART VI—AFFIRMATIVE ACTION

37—Encouragement to employ the youth.

PART VII—FINANCIAL PROVISIONS

38—Funds of the Service.

39—Internal auditor.

40—Financial year.

41—Annual estimates.

42—Financial report and audit.

PART VIII—MISCELLANEOUS PROVISIONS

43—Annual reports.

44—Offences.

45—Unlawful possession of articles supplied to members.

2018

46 - Code of conduct

47— Regulations

**FIRST SCHEDULE—PROVISIONS RELATING TO THE CONDUCT
OF BUSINESS AND AFFAIRS OF THE
BOARD**

THE MERU COUNTY YOUTH SERVICE ACT, 2018

AN ACT of the County Assembly of Meru to give effect to Articles 55 of the Constitution; to make provision for the establishment of the Meru Youth Service Board and for matters connected therewith and incidental thereto

ENACTED by the County Assembly of Meru, as follows—

PART I—PRELIMINARY

Short title

1. This Act may be cited as the Meru County Youth Service Act, 2018 and shall come into operation upon publication in the gazette.

Interpretation

2. In this Act unless the context otherwise requires—

“Board” means the Meru Youth Service Board established by section 6;

“County” means the County Government of Meru;

“contract of service” means the definition of contract of service as defined in the Employment Act, 2007;

“disability” means the definition of disability as defined in the Persons with Disabilities Act, 2003;

“Executive Member” means the county executive committee member responsible for youth affairs;

“employee” means a person employed for wages or a salary;

“employer” means any person, public body, firm, corporation or company who or which has entered into a contract of service to employ any individual and includes the agent, foreman, manager or factor of such person, public body, firm, corporation or company;

“member” in relation to the Service includes appointed officers, trainees, and includes any person for the time being engaged in the service;

“register” means a register maintained by the Board under section 21;

“services” means engagement in county building, infrastructural development, irrigation projects, clearing drainage systems, disaster response, digging of holes, planting of seedlings, nurturing of trees, entertainment and community service; and

“youth” has the meaning assigned to it in Article 260 of the Constitution.

Objects of the Act

3. The object and purpose of this Act is to—
- (a) give effect to Articles 55 of the Constitution;
 - (b) to inculcate a culture of self-worth and dignity, hard work, diligence, self-reliance and entrepreneurship among the youth;
 - (c) Reduce youth poverty, unemployment and helplessness;
 - (d) promote participation of the youth in development programs including agriculture, health, forestry, urban development, and environmental rehabilitation;
 - (e) provide for the maintenance of a database of all trained Meru youth;
 - (f) provide necessary training to facilitate increased employment of the youth in the county government and county government projects;
 - (g) to ensure participation of the youth in youth empowerment programs;
 - (h) provide for coordination and collaboration with other government agencies and to support implementation of national policies on youth in the county;
 - (i) to facilitate employment of the youth in the private sector;
 - (j) inform and educate the residents in Meru county on the need to empower the youth and the harmful economic and social consequences of their alienation;
 - (k) facilitate and enhance community participation in youth related matters;
 - (l) to conduct research and implement effective measures to empower the youth in the county;
 - (m) to provide awards, scholarships and prizes to deserving youth;
 - (n) to provide a mechanism for addressing unique youth needs; and
 - (o) to give effect to the constitutional values and principles in so far as affirmative action for the youth is concerned.

Application of the Act

4. This Act applies to—

- (a) the county government and its agencies;
- (b) the private sector; and
- (c) the informal sector.

Guiding principles

5. All persons subject to this Act shall at all times respect, uphold and defend the values and principles enshrined in the Constitution.

PART II—ADMINISTRATION

Establishment of the Board

6. (1) There is hereby established in the County the Meru Youth Service Board which shall be—

- (a) a body corporate with perpetual succession and a seal;
- (b) capable of suing and being sued in its corporate name;
- (c) taking, purchasing or otherwise acquiring, holding, charging or disposing of movable and immovable property;
- (d) borrowing money or making investments;
- (e) entering into contracts; and
- (f) doing or performing all other acts or things for the proper performance of its functions under this Act which may lawfully be done or performed by a body corporate.

(2) The Meru Youth Service Board shall comprise of the following members—

- (a) a Chairperson appointed by the Governor, and approved by the County Assembly;
- (b) the Chief Officer responsible for youth;
- (c) the Chief Officer responsible for education in the County;
- (d) the Chief Officer responsible for finance in the County;
- (e) one person competitively appointed by the Executive Member with the approval by the County Assembly and who possesses the necessary qualifications and expertise in financial management or accounting and is a bona-fide member of a professional body regulating the Accountancy profession, and in compliance with the requirements thereof; and

2018

Meru County Youth Service

- (f) two other youth members competitively appointed by the Executive Member with the approval of the County Assembly.
- (3) There shall be the Secretary of the board who shall be an *ex-officio* member.
- (4) A person shall be qualified for appointment as the chairperson of the Board if that person —
 - (a) is a citizen of Kenya;
 - (b) possesses a minimum qualification of a bachelor's degree from a university recognized in Kenya;
 - (c) meets the requirements of Chapter Six of the Constitution; and
 - (d) has at least five years' experience in management matters.
- (5) The members shall elect a Vice-Chairperson from among themselves.
- (6) A person shall be qualified to be appointed as a member of the Board under subsection (2) (d) if that person —
 - (a) satisfies the provisions of Chapter Six of the Constitution;
 - (b) a minimum of Kenya Certificate of Secondary Education; and
 - (c) has proven experience in leadership.

Power to co-opt

7. The Board may co-opt not more than 2 persons with proven experience in youth related matters.

Remuneration of Board members

8. The remuneration of the members of the Board shall be by way of sitting allowances determined by the County Public Service Board upon the advice of the Salaries and Remuneration Commission.

Term of office

9. (1) Members of the Board, other than the *ex officio* member and the members under section 6 (2) (b), (c), (d), shall hold office for a term of three years and shall be eligible for re-appointment for one further and final term of three years.

(2) The Members of the Board, other than the *ex officio* member, shall serve on a part time basis and shall meet at least quarterly every year.

Conduct of business and affairs of the Board

10. (1) The conduct of business and affairs of the Board shall be as set out in the First Schedule.

(2) Except as provided in the Schedule, the Board may regulate its own procedure.

Functions of the Board

11. (1) The functions of the Board shall be to—

- (a) register all youth who are seeking to be trained and engaged to perform services by the Board;
- (b) receive, review and approve admission of applicants to the Service from all the wards and Sub-counties in Meru county;
- (c) receive and hear appeals from decisions made during the recruitment exercise;
- (d) carry out public education on youth related matters in the county directly and in collaboration with other public or private bodies and institutions;
- (e) facilitate citizen participation in matters related to youth in accordance to the framework for citizen participation established under the County Governments Act, the Urban Areas and Cities Act or any other relevant written law;
- (f) assist in employment and placement of youth in formal, informal or any other form of employment, locally and internationally;
- (g) facilitate, through continuous training and other activities of education of youth on possible improvement of their employment chances and work skills;
- (h) advise the county government on any policy matter touching on affirmative action for the youth;
- (i) facilitate the implementation of national government policies and county government policies on affirmative action measures for the youth;
- (j) carry out research directly or in collaboration with other institutions and serve as the repository of data and statistics related to youth in the county;
- (k) advise the Executive Member generally on the exercise of his powers and performance of his functions under this Act, and in particular on county policy and laws to be adopted in regard to the youth;

- (l) in collaboration with other relevant county departments, prepare and submit a youth empowerment status report bi-annually by the 30th June and 31st December each year in the prescribed manner to the Executive Member which shall be transmitted to the County Executive Committee and the County Assembly;
 - (m) recommend to the Executive Member and participate in the formulation of laws and regulations related to youth;
 - (n) carry out such other roles necessary for the implementation of the object and purpose of this Act and perform such other functions as may from time to time be assigned by the Executive Member;
 - (o) prepare and submit an annual budget to the Executive Member and the County Assembly for approval by 30th April each year; and
 - (p) perform such other function as may be assigned to it by the Governor or any other written law.
- (2) The report in Sub-section (1) (l) shall contain among others—
- (a) data on the status of number of youths trained and engaged in the Boards services;
 - (b) data on the disaggregated in terms of age, gender and geographical location;
 - (c) impact of the training and services in the County;
 - (d) measures adopted to implement the Act in the County;
 - (e) challenges faced in the implementation of the Act;
 - (f) level of collaboration with other County government department and agencies; and
 - (g) any other matter relevant to the implementation of the Act.

Powers of the Executive Member

12. (1) The Board shall operate under the supervision of the Executive Member.

(2) the Executive Member may give general or special directions to the Board regarding the execution of its mandate.

Secretary to the Board

13. (1) There shall be a Secretary of the Board who shall be the chief executive officer and shall be appointed competitively by the Board.

(2) A person shall be qualified to be appointed as a Secretary of the Board if that person —

- (a) holds a degree from a university recognized in Kenya;
- (b) meets the requirements of Chapter Six of the Constitution; and
- (c) has at least five years' experience, two of which shall be in a management level.

(3) The Secretary shall hold office for a period of three years, on such terms and conditions of employment as the Board may determine and shall be eligible for re-appointment.

(4) The Secretary may be removed from office by the Board in accordance with the terms and conditions of service for—

- (a) inability to perform the functions of the office of the Secretary arising out of physical or mental incapacity;
- (b) gross misconduct or misbehavior;
- (c) incompetence or neglect of duty;
- (d) violation of the Constitution; or
- (e) any other ground that would justify removal from office under the terms and conditions of service.

(5) The Secretary shall—

- (a) subject to the direction of the Board, be responsible for the day to day management of the Service;
- (b) in consultation with the Board, be responsible for the direction of the affairs and transactions of the Service, the exercise, discharge and performance of its objectives, functions and duties, and the general administration of the Board; and
- (c) keep the minutes, books and records of the Board.

Staff of the Board

14. The Board shall competitively appoint suitably qualified staff as may be necessary for the efficient performance of the functions of the Service.

Removal from office of a Member of the Board

15. A member of the Board may—

- (a) at any time resign from office by issuing notice in writing to the chairperson of the Board;

- (b) be removed from office by the executive member on recommendation of the Board, for—
 - (i) serious violation of the Constitution or any other written law;
 - (ii) gross misconduct, whether in the performance of the functions of the office or otherwise;
 - (iii) physical or mental incapacity to perform the functions of office;
 - (iv) incompetence; or
 - (v) bankruptcy.

Service Inspectorate Unit

- 16. (1) There is hereby established the Service Inspectorate Unit.
- (2) The Service Inspectorate Unit is established under the Board.
- (3) The officers shall have seniority according to their positions as follows: Chief Inspector, Deputy Chief Inspector, Assistant Chief Inspector, Inspector, Deputy Inspector, or as the Board may from time to time determine.
- (4) The functions of the Unit shall be to—
 - (a) training and instruction of members of the service;
 - (b) maintenance of order and discipline during and after the training of members; and
 - (c) carry out such other roles necessary for the implementation of the objects and purpose of this Act and perform such other functions as may, from time to time, be assigned by the Board.
- (5) For avoidance of doubt, the Service Inspectorate Unit shall—
 - (a) be established as a distinct and separate unit in the Board; and,
 - (b) not be merged with any other committee or unit within the Board.

Command of the Service Inspectorate Unit

- 17. (1) The service unit shall be headed by a Chief Inspector and deputized by a Deputy Chief Inspector.
- (2) The Chief Inspector shall engage such other officers as may be required to implement and perform their functions in respect of the service.

Qualification for appointment as Inspector

18. (1) A person shall not be appointed as a Chief Inspector unless the person—

- (a) has previously served in any of the disciplined forces;
- (b) is a citizen of Kenya;
- (c) qualifies to be a trainer/ instructor following the relevant training;
- (d) has had a distinguished career in their respective fields;
- (e) meets the requirements of Chapter six of the Constitution; and
- (f) has served in a senior management position for at least 5 years.

(2) The functions of the Chief Inspector shall include—

- (a) be responsible for the effective and efficient day-to day administration and operations of the Service Unit;
- (b) undertake the supervision of the disciplinary related matters in the Service Unit;
- (c) manage discipline and training in the Service Unit;
- (d) implement the decisions of the Board; and
- (e) perform such other duties as may be assigned by the Board, the Secretary to the board, or as may be prescribed by this Act or by any other written law.

(3) The Chief Inspector and other Inspectors may be removed from holding the position by the Board for—

- (i) gross misconduct whether in the performance of their functions or otherwise;
- (ii) inability to perform functions of their office arising out of physical or mental incapacity;
- (iii) serious violation of the Constitution or any other law;
- (iv) incompetence; or
- (v) bankruptcy.

(4) The office of the Chief Inspector shall become vacant if the office holder—

- (a) dies;
- (b) resigns from office by a notice in writing addressed to the Board;
or

- (c) is removed from the office in accordance with Section 16 (3) of this Act.

(5) The Chief Inspector shall be appointed for a term of three years and may be eligible for re-appointment for one further term.

Interdepartmental Committee

19.(1) There is established the County Interdepartmental Youth Committee.

- (2) The interdepartmental committee shall consist of—

- (a) the Chief Officer responsible for youth who shall be the chairperson;
- (b) the Chief Officers responsible for the following departments—
 - (i) sports;
 - (ii) infrastructure;
 - (iii) health;
 - (iv) education;
 - (v) economic planning;
 - (vi) environment;
 - (vii) trade; and
 - (viii) agriculture

- (c) any other officer as the Governor may designate.

- (3) The interdepartmental committee shall be responsible for—

- (a) advising the Board on such multi-disciplinary and inter-sectoral policy and legislative measures to be adopted for the youth;
- (b) identifying opportunities and programs in the County Government for the empowerment of the youth;
- (c) facilitating interdepartmental collaboration and consultation in the implementation of this Act; and
- (d) carrying out any other function as may be assigned by the Board.

(4) The interdepartmental committee shall prepare and submit quarterly reports to the Executive Member on its activities.

(5) The interdepartmental committee shall regulate its own procedure.

PART III—REGISTRATION

Registration for youth training

20. (1) A person seeking to be trained by the Youth Service may apply to the Board.

(2) The Board shall not charge a fee or any form of charges to a youth for training under this Act.

Eligibility for registration for youth training

21. A person shall be eligible for registration for youth service training under this Act if the person—

- (a) is a citizen of Kenya and a person who is a resident in Meru County;
- (b) has a primary school certificate
- (c) is a youth; and
- (d) is of sound mind.

Factual information to be given

22. (1) An applicant shall at all times ensure that all information given to the Board is factual.

(2) The Board shall not be responsible for false or inaccurate information submitted by an applicant.

(3) An applicant who offers false or inaccurate information to the Board commits an offence and shall be liable, on conviction, to a fine not exceeding fifty thousand shillings, or to imprisonment for a term not exceeding three months, or both.

Register

23. (1) The Board shall keep and maintain an up-to-date register of all youth successfully trained by the Board.

(2) The register referred to under subsection (1) shall contain—

- (a) particulars of the youth recruited;
- (b) particulars of the youth trained and their specialized skills;
- (c) academic qualifications of the youth;
- (d) work experience, if any, of the youth;
- (e) contact details of the youth;
- (f) the ward and Sub- county from which the youth comes from;

- (g) details of whether the youth is living with any form of disability or challenge;
- (h) gender;
- (i) area of interest; and
- (j) such other details as the Board may consider necessary.

Prohibition from unauthorized use of data

24. (1) The Board shall not use the data obtained under this Act for any other purpose other than the purpose authorized under this Act.

(2) A person who contravenes subsection (1) commits an offence and shall be liable on conviction to a fine not exceeding one hundred thousand shillings.

PART IV—PROVISIONS ON RECRUITMENT, TRAINING AND COUNSELLING

Recruitment procedure for members of service

25. (1) The Service shall consist of such number of members as may from time to time be recruited and trained by the Board.

(2) The members of the service shall be recruited from each ward in the County.

(3) The Board shall engage such trainers and officers to aid in the recruitment process as may be required.

(4) Every member of the Service recruited or trained under subsection (1) shall serve for a term prescribed by the Board.

Duties of members of the service

26. Every member of the Service shall—

- (a) perform such duties and carry out such training as he may be directed by the officers senior to or placed in charge of them; and
- (b) obey and execute promptly all instructions lawfully issued to them by the trainers or officers placed in charge of them.

Termination of Service

27. The Board may at any time during the period of training of the youth terminate such training if, for any reason, the services of such member are no longer required.

Resignation from the Service

28. A member of service may, at the discretion of the Inspector, or a officer authorized by him in that behalf, be permitted to resign from the Service before the expiration of his period of training on personal or compassionate grounds.

Facilitation of training

29. The Board shall, through trainers, facilitators, community initiative and similar fora, facilitate training on any matter relating to youth affirmative action.

Training institution and centers

30. (1) The Board shall establish and develop youth service training centers to train its members.

(2) The Board in consultation with the Executive member shall—

- (a) develop a training policy;
- (b) approve the training curriculum;
- (c) oversee the implementation of the policy; and
- (d) regulate and review of the training curricula to ensure its relevancy.

Counselling

31. (1) The Board shall provide counselling services to youth on general matters affecting their health, social and economic progress, among others.

(2) The Board may offer such counselling during its training, or while the youths are engaged in performing the Board's services as it deems necessary.

Return of equipment

32. (1) Every member on leaving the Service shall forthwith deliver up to such person as may be authorized in that behalf, any uniform, clothing, equipment supplied to him by or on behalf of the Service:

(2) Any person who fails to comply with the provisions of subsection (1) of this section, or who returns such property in a damaged condition, the damage not being attributable to the proper discharge of his duties whilst a member of the service, shall be liable for the cost of replacing or repairing such property, and such cost shall be a debt due from such person to the County and may be recoverable by deduction from any

moneys due from the County to such person, for the whole amount, or for any balance due after such deduction as aforesaid.

Certificate

33. Upon successful completion of the prescribed training a Certificate of participation or completion in such form as may be required by the Executive member and signed by the authorized officers shall be issued by the Executive member to every member and shall be evidence of their successful training under this Act.

PART V—DISCIPLINE

Disciplinary Regulations

34. (1) The Chief Inspector may issue a disciplinary code for the Service or any part of the service, and in respect of members may make regulations for the following matters—

- (a) to make provision for the investigation of disciplinary offences and the hearing and determination of disciplinary proceedings;
- (b) to make provision for appeals; and
- (c) to prescribe disciplinary penalties and awards.

(2) The following disciplinary penalties and awards, or any combination thereof, may be included in such regulations for infringements of the disciplinary code—

- (a) dismissal from the Service training;
- (b) fines; and
- (c) stoppages of pay or allowances.

Insubordinate behavior

35. Any member who—

- (a) strikes or otherwise uses violence to, or offers violence to or incites any other person to use violence to an officer, senior or placed in charge of them or such other person; or
- (b) is drunk and disorderly, uses threatening or insubordinate language to any officer senior to or placed in charge of them shall be guilty of an offence and shall be liable to a fine of ten thousand shillings or to imprisonment for a term not exceeding one year.

Desertion

36. (1) Any member who absents himself from duty without leave or just cause for a period of seven days shall, unless the contrary be proved, be deemed to have deserted from the Service.

(2) Any member who deserts from the Service or who is deemed to have deserted from the Service shall forfeit any pay or allowances due to him, and all rights in respect of any savings scheme operated by the Service.

(3) No pay or allowances shall be paid to any member in respect of any day during which he is absent from duty.

PART VI—AFFIRMATIVE ACTION

Encouragement to employ the youth

37. (1) The County shall, through the Board, encourage private and public institutions to employ youth in all positions, including positions of leadership and management.

(2) The County shall come up with incentives to reward any private institution that employs the youth, and who do not possess more than five years work experience.

(3) The County shall take affirmative action measures and actions designed to promote the employment of youth in all levels of employment.

PART VII—FINANCIAL PROVISIONS

Funds of the Service

38. (1) The funds of the Service shall comprise—

- (a) such moneys as may be appropriated by the county assembly;
- (b) such sums as may be realized from Board's business;
- (c) moneys earned or arising from any investment of the funds;
- (d) donations and grants approved by the Governor; and
- (e) all other sums which may in any manner become payable to, or vested in, the Service.

(2) The Board shall apply the money provided under this section for the furtherance of the objects and performance of the functions of the Board as prescribed under this Act.

(3) The funds shall be administered by the Board.

Internal auditor

39. (1) The Board shall competitively appoint an internal auditor who shall report directly to the Board on financial matters of the Board.

(2) A person shall not be qualified to be appointed as an internal auditor unless the person—

- (a) is a holder of a degree in accounting and finance or any related field from a recognized university;
- (b) is a certified public accountant or holds an equivalent qualification certified by Institute of Certified Public Accountants of Kenya;
- (c) has at least three years' experience in auditing.

Financial year

40. The financial year of the Board shall be the period of twelve months ending on the thirtieth day of June in each year.

Annual estimates

41. (1) At least three months before the commencement of each financial year, the Board shall cause to be prepared estimates of revenue and expenditure of the Board for that year.

(2) The annual estimates shall make provision for the estimated expenditure of the Board for the financial year, and in particular, the estimates shall provide for—

- (a) allocations for operations;
- (b) debt repayment schedule;
- (c) payment of the salaries, allowances and other charges in respect of the staff of the Board;
- (d) payment of allowances and other charges in respect of members of the Board;
- (e) payment of pensions, gratuities and other charges in respect of members of the Board and staff of the Board;
- (f) proper maintenance of the buildings and grounds of the Board;
- (g) maintenance, repair and replacement of the equipment and other property of the Board; and
- (h) creation of such reserve funds to meet future or contingent liabilities in respect of retirement benefits, insurance or

replacement of buildings or equipment, or in respect of such other matters as the Board may deem appropriate.

(3) The annual estimates shall be approved by the Board before the commencement of the financial year to which they relate and, once approved, the sum provided in the estimates shall be submitted to the County Executive Committee for final approval.

(4) No expenditure shall be incurred for the purposes of the Board except in accordance with the annual estimates approved under subsection (3), or in pursuance of an authorisation of the Board given with prior written approval of the Executive Member.

Financial report and audit

42. (1) The Board shall cause to be kept all proper books and other records of accounts of the income, expenditure, assets and liabilities of the Board.

(2) The accounts of the Board shall be audited and reported upon in accordance with the provisions of the Public Financial Management Act and Public Audit Act, 2003.

PART VIII—MISCELLANEOUS PROVISIONS

Annual reports

43. (1) At the end of each financial year or upon request by the Executive Member or the Governor, the Board shall submit a report to the Executive Member on the discharge of its functions under this Act or any other written law.

(2) The report referred to under subsection (1) shall include—

- (a) number of youth registered and trained in the period under review;
- (b) number of youth who have secured employment or engagement during the period under review;
- (c) any impediment encountered in the discharge of the functions of the Board;
- (d) any policy matters that the Board may require to be addressed by the Executive member or county government;
- (e) any other matter pertinent to the discharge of its functions under this Act.

(3) The Executive Member shall, within fourteen days of receiving the annual report submit it to the county executive committee, and the County Assembly for tabling and consideration.

(4) The County Assembly may after considering the report, make recommendations to the county executive committee on the appropriate ways of effectively implementing the Act.

(5) An annual report referred to under this section shall be published and publicized by the Board.

Offences

44. A person who contravenes any provision of this Act to which no penalty has been prescribed commits an offence and shall be liable, on conviction, to a fine not exceeding one hundred thousand shillings in the case of a natural person, and five hundred thousand shillings in the case of a firm or body corporate, or to imprisonment for a term not exceeding one year, or to both such fine and imprisonment.

Unlawful possession of articles supplied to members

45. (1) Any person, not being a member, or who has ceased to be a member, who is found in possession of any article whatsoever which has been supplied to a member, or is intended for supply to a member for use in the execution of his duty, and who fails to account satisfactorily for his lawful possession thereof, shall be guilty of an offence and liable to a fine of fifty thousand shillings or to a term of imprisonment not exceeding six months.

(2) Any person who, without lawful authority—

(a) sells or otherwise disposes of, or purchases or otherwise acquires, any article whatsoever which has been supplied to, or is intended for supply to, a member for use in the execution of his duty; or

(b) aids and abets any person in selling, disposing of, purchasing or acquiring any such article, shall be guilty of an offence and shall be liable to a fine of fifty thousand shillings or to a term of imprisonment not exceeding six months.

Code of conduct

46. The executive member shall, within six months after entry into force of this Act develop a code of conduct for the members of service.

Regulations

47. (1) The executive member may, make Regulations generally for the better carrying out of the objects of this Act.

(2) Without prejudice to the generality of sub section (1) the Regulations may—

- (a) prescribe anything required by this act to be prescribed or prohibit anything required by this act to be prohibited;
- (b) prescribe and regulate the conduct of officers and members of the service;
- (c) prescribe for the description and issuance of uniforms and any other equipment to be supplied to the members of the service; and
- (d) any other matter to facilitate implementation of this Act.

FIRST SCHEDULE

PROVISIONS RELATING TO THE CONDUCT OF BUSINESS AND AFFAIRS OF THE BOARD

Tenure of office

1. The chairperson and members of the Board, other than *ex-officio* members, shall hold office for a term of three years and shall be eligible for re-appointment for one further and final term of three years.

Appointment

2. Members of the Board, other than *ex-officio* members, shall be appointed in such a manner that the respective expiry dates of their terms of office fall at different times.

Vacation of office

3. A member of the Board, other than an *ex-officio* member, may—

- (a) at any time resign from office by notice in writing, in the case of the chairperson, to the Governor, and in the case of any other member, to the Executive Member;
- (b) be removed from office by the Governor as the case may be, if the member—
 - (i) has been absent from three consecutive meetings of the Board without the permission of the Board;
 - (ii) is adjudged bankrupt or enters into a composition scheme or arrangement with his or her creditors;
 - (iii) is convicted of an offence involving dishonesty or fraud;
 - (iv) is convicted of a criminal offence and sentenced to imprisonment for a term exceeding six months or to a fine exceeding ten thousand shillings;
 - (v) is incapacitated by prolonged physical or mental illness;
 - (vi) is found to have acted in a manner inconsistent with the aim and objectives of this Act;
 - (vii) fails to comply with the provisions of this Act relating to disclosure; or
 - (viii) is otherwise unable or unfit to discharge his or her functions as member of the Board.

Vice-chairperson

4. At the first meeting of the Board, the members shall elect a vice-chairperson, from among the members appointed under this Act.

Meetings

5. (1) The Board shall meet at least four times in every financial year and not more than four months shall elapse between the date of one meeting and the date of the next meeting.

(2) Notwithstanding the provisions of subparagraph (1), the chairperson may, and upon requisition in writing by at least five members shall, convene a special meeting of the Board at any time for the transaction of the business of the Board.

Notice of meeting

6. Other than in the case of a special meeting or unless three quarters of members agree, every member of the Board shall be given at least seven days written notice of every meeting of the Board.

Quorum

7. The quorum for the conduct of business of the Board shall be half of the members, and unless a unanimous decision is reached, decisions shall be by a majority vote of the members present, and in the case of an equality of votes, the chairperson or the person presiding shall have a casting vote.

Chairperson to preside

8. The chairperson shall preside over all meetings of the Board in which he or she is present, but in his or her absence, the vice-chairperson shall preside and in the absence of the vice-chairperson, the members present shall elect one of their members who shall, with respect to that meeting and the business transacted thereat, have all the powers of the chairperson

Disclosure of interest

9. (1) If a member is directly or indirectly interested in any matter before the Board and is present at the meeting of the Board at which the matter is the subject of consideration, he or she shall, at the meeting and as soon as practicable after the commencement, disclose that fact and shall be excluded at the meeting at which the matter is being considered.

(2) A disclosure of interest made under this section shall be recorded in the minutes of the meeting at which it is made.

Board may regulate own procedure

10. Subject to the provisions of this Schedule, the Board may regulate its own procedure.