

SPECIAL ISSUE

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**NAKURU COUNTY GAZETTE
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BILL, 2016**

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**THE NAKURU COUNTY PUBLIC HEALTH AND SANITATION
BILL, 2016**

A Bill for

AN ACT of County Assembly of Nakuru County to repeal and re-enact the legislation relating to Public health and for matters incidental thereto

ENACTED by the County Assembly of Nakuru as follows—

PART 1—PRELIMINARY

1. Short Title

1 (i) This Act may be cited as the Nakuru County Public Health and Sanitation Act, 2016.

(ii) This Act shall apply to any area of the County in matters relating to public health and sanitation.

2. Interpretation.”

“County” means the County of Nakuru;

“Authority” means the county executive member in-charge for health in the county;

“Director Health services” director health services by the County Public Service Board for the purpose of this bill;

“Director Public Health” means a person appointed as Director by the county public service Board;

“Authorized Officers,” means chief officer, director of public health, County Public Health Officer and any other officer authorized in writing by the County public service board for the purpose of this Bill;

“Adequate” means that which is needed to accomplish the intended in keeping with good Public Health practice;

“Adult” means a person of eighteen years of age and over;

“Prescribed” means respectively approved or prescribed by the county or by the authorized Officer;

“Executive member” means the responsible person in charge of health services matters as the case may be;

“Building” includes any structure whatsoever for whatever purpose used;

“Commercial area” means any area in the county, township which the County may by order, defines;

“Drain” means any drain used for drainage of one building only or of premises within the same cartilage and made merely for the purpose of communicating there from with a cess pool or other like receptacle for drainage of two or more buildings or premises occupied by different persons is conveyed;

“Dwelling” means any house, room, shed, hut, care tent, vehicle, vessel or boat or any other structure or place whatsoever, any portion whereof is used by any human being for sleeping or in which any humans being dwells;

“Factory” means any building or part of a building which machinery is worked by steam, water, electricity or other mechanical power, for the purpose of trade;

“Health Authority” in relation to the area of County, means the County Executive Member responsible for Health;

“Keeper of a lodging house” means any person licensed to keep lodging-house;

“Land” includes any right over in respect of immovable property;

“Latrine” includes privy, urinal, earth-closet and water - closet;

“Lodging-house” means a building or part of a house including the veranda thereof, if any which is let or sublet in lodgings or otherwise, either by storey, by flats, by rooms or by partitions of rooms;

“Magistrate” means any magistrate empowered to hold a subordinate, court of the first, second or third class or any other Magistrate as the case may be;

“Occupier” includes any person in actual occupation of land or premises without regard to the title under which he occupies and incase of premises subdivided and let to lodgers or payable by the lodgers or tenants whether on own account or as agent for any person entitled to or interested therein;

“Offensive trade” includes the trades of blood-boiler, fish-monger, soap-boiler, tallow meter and tripe-boiler and any other noxious or offensive trade, business or manufacturer whatsoever;

“Owner” as regards to immovable property, include any person, other than the County receiving the rent or profits of any lands or premises from any tenant or occupier thereof or who would receive such rent or profit if such land or premises were let whether on his own account or as

an agent for any person, other than the County or any superintendent, overseers or managers of such lessee or licensee residing on the holding;

“Public building” includes any building used or contracted or adapted to be used either ordinary or occasionally as a place of public worship or as a hospital, college, school, theatre, public hall or as a public place of assembly for persons admitted by ticket or otherwise, or used or adapted to be used for any other public purpose;

“Public Latrines” means any latrine to which the public is admitted on payment or otherwise;

“Street” means any highway, road or sanitary lane or strip of land reserve for a highway, road or sanitary lane and includes any bridge, footway square, court, alley or passage whether a thorough fare or not a part of one;

“Trade premises” means any premises (other than a factory) used or intended to be used for carrying on any trade or business;

“Veranda” means any building or part of a building in which manual labor is exercised for purpose of trade.

PART II A— GENERAL PRINCIPLES

3. The objective of this Act is to enable realization of the rights to health as provided for in the constitution of Kenya and to provide uniformity in respect of public health services across the County.

4. Every person within the jurisdiction of the County is entitled to a clean and healthy environment and has the duty to safe guard and enhances the environment.

5. Every person has the right to a clean and healthy environment, which includes the right—

(a) to have the environment protected for the benefit of present and future generations through legislative and other measures, particularly those contemplated in Article 69; and

(b) to have obligations relating to the environment fulfilled as stipulated under Article 70 of the constitution of Kenya.

PART II B—ADMINISTRATION

County Board of Health .

6.(1) There shall be established a County Board of Health. (hereafter referred as Board) having its seat at Nakuru, which shall consists of the Director of Public Health who shall be the chairperson, a

County Public Health Officer who shall be the secretary, and six other persons of whom shall be medical or health practitioners appointed from time to time by County Executive Member responsible for health services.

(2) In absence of the Director of Public Health, the board shall elect a chairperson from the members present.

7. The names of all members of the board shall be gazetted and the Gazette containing a notice of any such appointment shall be deemed sufficient evidence thereof for all-purpose.

8. The minimum number of the board members that can meet and transact any business shall be five (5) members.

9. The Executive Member of Health shall make rules on holding meetings, the quorum, the procedures, allowances payable to members thereof and the circumstances in which any member shall vacate his membership.

Functions of the Board

10. The function of the board shall be to advise the Executive Member of Health upon all matters affecting the Public Health and sanitation.

Function of Public Health Department.

11. (1) There shall be a department, to be known as the Public Health at the County, Sub County and Ward level which shall be headed by a Public Health Officer.

2) The functions of the Public Health Department shall be to promote Public Health and Sanitation, prevent and guard the introduction of infectious diseases into the County, suppression of infectious diseases, communicable or preventable diseases within the County, promote or carry out researches and investigations in connexion with the prevention or treatment of human diseases; to prepare and publish reports and statistical or other information relative to the public health; and generally to carry out in accordance with the directions the powers and duties in relation to the public health conferred or imposed by this Bill.

General Duties of Health Officer

12. It shall be the duty of health authority to take all lawful, necessary and, under its special circumstances, reasonably practicable measures for preventing the occurrence or dealing with any outbreak or Prevalence of any infectious, communicable or preventable disease, to safeguard and promote the public health and to exercise the powers and perform the

duties in respect of the public health conferred or imposed on it by this Bill or by any other law.

PART III—PREVENTION AND SUPPRESSION OF INFECTIOUS DISEASES

General Provisions

Inspection of Infected premises and Examination of persons suspected to be Suffering from Infectious Disease

13. (1) A medical officer or Public Health Officer may at any given time enter and inspect any premises in which he or she has reason to believe that any person or persons are suffering or who has recently suffered from any infectious disease is or has recently been Present, or any inmate of which has recently been exposed to infection of any infectious disease and may medically examine any person in such premises for the purpose of ascertaining whether such person is suffering or has recently suffered from any such disease.

OFFENCE

2) It shall be an offence for any person who knowingly fails to go for treatment or infect another person with an infectious disease or prevent another person from seeking treatment for an infectious disease.

3) Any person or persons who contravene this section shall be guilty of an offence and if convicted shall pay a fine of ten thousand shillings or imprisoned for three (3) months or both such fines and imprisonment.

PART IV—HOUSING AND SANITATION

Zoning for Development Purposes

14. (1) The County shall zone all areas under its jurisdiction for various uses. The use of any land or area shall include but not limited to industrial use, residential use, commercial use, business cum residential, public utility, schools, religious use or any other use the County may deem necessary.

Change of User of a Land

15. Any person who uses or develops a plot in any other way other than what the plot or place has been specifically designed for without a “change of user” from the County shall be guilty of an offence.

Health Authorities to Prevent or Remedy Danger from Unsuitable Building.

16. It shall be the duty of the County to take all lawful necessary and reasonably practicable measures for preventing or causing to be prevented or remedied all conditions liable to be injurious or dangerous to health arising from the erection or occupation of unhealthy dwellings or premises, or the erection of dwellings or premises on unhealthy sites or on sites of insufficient extent, or from overcrowding, or from construction, condition or manner or use of any factory or trade premises and to take proceedings against any person causing or responsible for the continuance of any such condition.

Building Standards and Approvals

17. 1. Any building either commercial, residential or any nature of dwelling shall adhere to human safety and health of the occupiers.

2. Building must be well ventilated, lit and with approved sanitation system.

3. High-rise building must have elevators and staircases and emergency exit of reasonable size (refer building codes).

4. Every building must have provisions for the physically challenged persons.

5. Construction must make provisions for rain water harvesting and storage.

6. Every building must have provisions for sanitation services including waste receptacles for solid waste, soak pit for grey waste water and septic tanks where there is no sewer-line.

7. The building construction area shall not exceed 75% of the total plot area of which the remaining shall be 25% open to the sky for proper lighting and ventilation.

8. Every building plan shall be inspected approved and adhere to the relevant regulations.

9. All buildings shall be well maintained and conform with hygiene and health standards.

10. Any person who fails to obtain building plans approval before constructions shall be guilty of an offence.

Demolition of Dilapidated Structures

18. The county shall have power to demolish or cause to be demolished dilapidated structures for the Purpose of enhancing beauty, safety and health within its areas of jurisdiction.

Penalty where not Expressly Stated

19. Any person who contravenes any section or by-law in the preceding part where no penalty is expressly stated shall be guilty of an offence and upon conviction be liable to a fine not exceeding Twenty Thousand Shillings or to imprisonment not exceeding two years or to both such a fine and imprisonment.

County to Maintain Cleanliness

20. (1) It shall be the duty of the County to take all lawful, necessary and reasonably practicable measures for maintaining its area all times in clean and sanitary condition, and for preventing the occurrence therein of or for remedying or causing to be remedied, any nuisance or condition liable to be injurious or dangerous to health and to take proceedings of law against any person causing or responsible for the continuous of any such nuisances or condition.

(2) The County Government shall approve, recognize, license and regulate small scale exhauster services through the use of other approved pit exhaustion means such as gulpers, Vacutug and other approved pumps.

(3) Any person who is involved in exhausting services without authority from the County Government shall be guilty of an offence.

Provision and use of Sanitary Facilities

21. (1) No person shall defecate or urinate in the public street or in the bush rather than in a latrine. Anybody who does contrarily shall commit an offence.

(2) No person/persons shall construct, use or rent any building or part of a building or buildings without a provision of sanitary facilities. Anybody who fails to provide shall commit an offence.

(3) Any person who fails to provide sanitary facilities shall be guilty of an offence and liable to a fine not less than ten thousand or three months imprisonment or both if convicted.

Feecal Sludge Management

22. The County Government shall ensure that the feecal sludge shall be disposed off in a manner that does not pose a risk to public health and environment. In areas where sewer network is available the relevant

mandated authority shall ensure that all sewers and appurtenances are adequately maintained and free from spillage and blockage. Any spillage shall be disinfected after the remedy. Any person, institution or authority propagating such spillages shall commit an offence.

Provision of Decentralized Waste Treatment

23. It shall be the duty of the County Government to provide decentralized waste water/sludge treatment facilities in areas where sewer network is not available. Any individual, institution or entities constructing / installing sludge treatment facilities shall seek approval from the County Government. Anybody who fails to seek for the approval shall commit an offence.

Re-Use of Treated Sludge

24. The County Government shall allow the use of treated sludge for agricultural activities or any other economic activities provided that approval of the same is obtained. The proprietor of such facilities shall bear full responsibility of removal and safe disposal of sludge from latrines in their premises.

Construction of Waste Receptacles

25. (1) No person shall construct any septic tank, storage tank, soak pits or sewage installation or other works for reception or dispose of sewage except with a written permission from the County Government.

(2) Such septic tanks, storage tanks, soak pits or sewage filter installation shall be constructed in such a manner and in such a position as to afford ready means of access thereto for the purpose of cleansing of the same and removing the contents thereof without being carried through any building.

(3) All septic tanks, storage tanks, filter installations or other works for treatment or reception or disposal of waste should be adequately and efficiently ventilated and be so protected as to prevent any nuisance.

(4) All construction of septic tanks, storage tanks or filters installation be constructed to ensuring that adequate and satisfactory provisions has been made for the periodic emptying of the same.

(5) All storage tanks, septic tanks or installations facilities shall be constructed of impervious materials so as to be water tight.

Offence

26. (1) Any person who is guilty of an offence under, contravention of, default complying with, any provision of the by-laws shall be liable on

conviction to a fine not exceeding Fifty Thousand Shillings or to six month imprisonment or to both such fine and imprisonment.

(2) Any person or firm who disposes off sewerage to an area not approved by the County Government for reception of such discharge shall be guilt of an offence.

PART V— STREET CLEANSING

County to Keep Streets Clean

27. The County shall undertake or contract out cleansing services in its area of jurisdiction as it may decide from time to time.

Owner or Occupier to Keep Premises Clean

28. (1) It shall be the duty of every occupier or owner or agent of a trade premise or any other development to clean or cause to be paved cleaned and to remove all wastes and maintain cleanliness of the frontage of his house, trade premise or any other development to the satisfaction of the Director of Public Health provided that the duty of the owner or occupier or agent shall not include cleaning of the main road, open space or public plot.

(2) No person shall place or cause or permit to be placed upon frontage of a house, building or any other structure any dirt, filth rubbish, stone, soil, demolition material or any sort of refuse.

29. Any owner or occupier of any premises who fails to clean or cause to be cleansed any paved area in connection to his or her premise shall be guilty of an offence.

County to Provide Street Litter Bins

30. The County shall provide litter baskets or bins for the disposal of litter in the streets and public places.

Indiscriminate Litter Disposal

31. Any person who throws or causes litter to be thrown in the street, or public places or deposits or otherwise disposes prohibited off litter in any place other than the litter baskets or bins provided, shall be guilty of an offence.

Direct Arrest for Those Found Littering

32. Any person found throwing or having thrown or causing litter to be thrown in streets or any public place shall be immediately arrested and dealt with in accordance with the provisions of these by-laws.

Indiscriminate Pasting of Posters Prohibited

33. (1) Any person or persons, firm or society or, companies religious or otherwise shall ensure that their posters, handbills or advertisement materials are pasted or displayed only in authorized surfaces, areas or places, failure to which it shall constitute an offence.

(2) Any person or persons, firm or society or organization, religious, political or otherwise which pastes or allows or causes to be pasted a posters, handbill or an advertisement material on an litter bin, dustbin or any other unauthorized surface or place shall be guilty of an offence.

Penalty

34. Any person guilty of an offence under the provision shall be liable on conviction to a fine not exceeding Twenty Thousand Shillings or in default to an imprisonment for a term not exceeding six months or to both such fine and imprisonment.

Penalty Where not Expressly Stated

35. Any person who contravenes any section or sections of the preceding part where no penalty is expressly stated shall be guilty of an offence stated and upon conviction be liable to a fine not exceeding Twenty Thousand Shillings or in default to imprisonment not exceeding six months or to both such a fine and imprisonment.

Medical Waste Management

36. (i) Generators shall handle and store medical waste in a safe manner that poses no threat to public health or to the environment and are under a duty to ensure that medical waste is removed from their premises, transported and disposed of in accordance with this Act

37. Without limiting the generality of the duty in paragraph

(i) Generators shall—

- (a) Separate medical waste from other waste at the point of generation or source;
- (b) store medical waste in leak-proof, sealable containers and ensure that containers which are used for the storage of sharps and other clinical items which can cause cuts or punctures or injections are, in addition, rigid and puncture resistant;
- (c) Label each medical waste container indelibly and in large, legible lettering with;

(ii) The names and the address of the generator;

- (iii) The words "Danger Medical Waste", "Hatari; Sumu Kali" international bio hazard logo; and
- (iv) The date on which the medical waste container is removed from the generator's premises
 - (a) Prevent public access to medical waste containers, which are in use;
 - (b) Store filled medical waste containers in controlled, secure areas, which are reserved for the storage of medical waste;
 - (c) Make arrangements for the removal of medical waste from their premises and for the transportation of medical waste to a disposal site by a person who transports medical waste in terms of this Act and who is registered as a transporter;
 - (d) Make arrangements for the disposal of medical waste by a person permitted to dispose of medical waste in terms of this Act.

38. Generators may apply in writing to the county for permission to handle, store and otherwise deal with their medical waste in a manner which does comply with the requirements set out in these by-laws.

39. The County may in writing grant the permission referred to in this bill provided that it may grant such permission subject to conditions.

40. Generators may transport and dispose of medical waste, in the manner provided under this Act.

41. Generators must

- (a) Maintain an up-to-date written record of medical waste removed from their premises in the format as prescribed from time to time by the County.

- (b) Acquire from the disposer of the medical waste written notifications that the medical waste has been disposed of and, on receiving such notifications, indicate in their written records that the medical waste has been thus disposed of.

- (c) Keep the written records referred to in (a) and the notifications referred to in (d) for a period of one year after the removal from their premises of the medical waste.

42. Transporters shall remove medical waste from the premises of a generator, transport, and store and deliver such medical waste to the site

at which it will be disposed of in a safe manner which poses no threats to human health or the environment—

- (i) Without limiting the generality of the duty in paragraph.
- (ii) Transporters shall—
 - (a) Not remove medical waste from the containers in which it has been stored;
 - (b) Transport and store medical waste in such a way that no member of public can gain access to the medical waste or the container in which it is stored;
 - (c) Transport medical waste in vehicles which are—
 - (i) capable of containing medical waste;
 - (ii) designed to prevent spillages;
 - (iii) constructed of materials which are easy to clean and to disinfect;
 - (iv) Capable of being secured in order to prevent unauthorized access;
 - (d) Deliver medical waste only to a person and site permitted to dispose medical waste in terms prescribed by this Act.

43. Transporters may apply in writing to the county for permission to remove, transport, store and deliver medical waste in a manner which comply with the requirements set out in this Act.

44. The County may in writing grant the permission subject to conditions.

45. Transporters may dispose of medical waste, provided that they do so in terms given in this Act.

46. Transporters shall maintain a written record in respect of each collection and deliver of medical waste, which they shall update simultaneously with each collection and delivery, and such record shall be in the format as prescribed from time to time by the county, and must keep such record for a period of one year from the date of which the medical waste is delivered.

(1) Medical waste may be disposed of by a person who complies with all terms and conditions attached to such permit and authorization.

(2) A person permitted in terms of subsection (1) to dispose of medical waste shall do so at the site at which the permit or authorization,

or both, permits him or her to dispose of medical waste, and may not dispose of medical waste at any other place.

(3) Persons who dispose of medical waste shall—

- (a) Maintain and keep up- to-date record of each delivery to the disposal site in the format as prescribed from time to time by the County.
- (b) Keep such record for a period of one year from the date on which the medical waste is disposed of.

47. Every transporter shall register with the county within 30 days of the coming into operation of this Act by completing and submitting a written notification to the County in format prescribed from time to time.

48. Generators and transporters shall advise the County of any changes to the information provided in terms of subsection (1) and (2) as soon as such changes takes place.

49. Any person who contravenes any provisions of this part or fails to comply with any given there under shall be guilty of an offence and upon conviction be liable to a fine not exceeding fifty thousand or a term of imprisonment not exceeding nine months or both fine and imprisonment.

PART VI — PUBLIC HEALTH NUISANCES

Nuisances Prohibited

50. No person shall cause a nuisance or shall suffer to exist any land or premise owned or occupied by him or of which he is in charge any nuisance or other condition liable to be injurious or dangerous to health.

What Constitutes a Nuisance?

51. (1) The following shall be deemed to be nuisance liable to be dealt with in the manner provided in this part—

- (a) any vessel and any railway carriage or other conveyance, in such a state or condition as to be injurious or dangerous to health;
- (b) any dwelling or premises or part thereof which is or are of such construction or in such a state or so situated or so dirty or so verminous as to be in the opinion of the director of public health or the Public Health Officer is injurious or dangerous to health or which is or are liable to favor the spread of any infectious disease;

- (c) any street, road or any part thereof, any stream, pool, ditch, gutter watercourse, sink, water-tank, cistern, water-closet, earth-closet, privy, urinal, cesspool, soak away pit, septic tank, cesspit, soil-pipe drain, sewer garbage receptacle, dustbin, dung-pit, refuse-pit, slop-tank, ash-pit or manure heap so foul or in such a state or so situated or constructed as in the opinion of the County director of public health or the Public Health Officer to be offensive or injurious or dangerous to health;
- (d) as well or other source of water supply or any cistern or other receptacle for water, whether Public or Private, the water from which is used or is likely to be used by man for drinking or domestic purposes or in connection with any dirty or milk shop, or in connection with manufacture or preparation of any article of food intended for human consumption, which is in the opinion of the County director health services or the Public Health Officer is polluted or otherwise liable to render any such water injurious or dangerous to health;
- (e) any vexatious matter or waste water, flowing or discharged into public street, into the gutter or side channel of any street, or into any nullah or waste course, irrigation channel or bed or any area thereof not approved for the reception of such discharge;
- (f) any stable, cow-shed or other building or premises used for keeping of animals or birds which is so constructed; situated, used or kept as to be offensive or injurious to health;
- (g) any animal which to the opinion of the County Director health services or the Public Health Officer is or kept as to be a nuisance or injurious to health;
- (h) any accumulation or deposit of refuse, offal manure or other matter whatsoever which is offensive or which is injurious or dangerous to health;
- (i) any accumulation of stones, timber, tins, scrap metal or other material in the opinion of the County director health services or Public Health Officer is likely to harbor rats or other vermin;
- (j) any premises in such a state or condition and any building so constructed as to likely harbor rats or other vermin;

- (k) any dwelling or premise which is so overcrowded as to be injurious or dangerous to the health of the inmates, or is dilapidated or defective in lighting or ventilation, or is not provided with or is situated that it cannot be provided with sanitary accommodation to the satisfaction of the County Director Health Services or the Public Health Officer;
- (l) any public or other building, which is so situated, constructed, used or kept so as to be unsafe or injurious or dangerous to health;
- (m) any occupied dwelling so situated, constructed, used or kept so as to be unsafe or injurious or dangerous to health;
- (n) any factory or trade premises not kept in a cleanly state and free from offensive smell arising from any drain, privy, water-closet or urinal or not ventilated so as to destroy or render harmless and inoffensive as far as practicable any gases, vapors, dust or other impurities generated or so ever crowded or dangerous to the health of those employed therein;
- (o) any factory or trade premises causing or giving rise to smells or effluvia which are offensive which are injurious or dangerous to health;
- (p) any area of land kept or permitted to remain in such a state or to be offensive, or liable to cause any infectious communicable or preventable disease or injury or danger to health;
- (q) any chimney sending forth smoke in such quality or in such manner as to be offensive or injurious or dangerous to health;
- (r) any cemetery, burial-place of sepulture so situated or so crowded or otherwise so conducted as to be offensive or injurious or dangerous to health;
- (s) any floor of a premises so eroded or with potholes so as to be difficult to maintain cleanliness to the opinion of the County director health services and Public Health Officer thereby is likely to be dangerous or injurious to health;
- (t) any good store or premises so congested and or lacking adequate trestles or pallets making it difficult to keep it in a clean state so as to be unsafe, or injurious to health;

- (u) any dirt and un repainted wall surface of a premises which to the opinion of the County director health services or Public Health Officer are likely to be injurious or dangerous to health;
- (v) any workshop or garage which lacks protective garments, welding screens or cloakrooms or other thing which to the opinion of the County Director Health Services or the Public Health officer are omissions likely to be dangerous or injurious to health;
- (w) any illegal structure, building or premises constructed so as in the opinion of the County Director of Public Health or Public Health Officer is likely to be dangerous or injurious to health;
- (x) (i) Any occupied dwelling or public building such proper, sufficient and wholesome water supply is not available at a reasonable distance is an omission which is to the opinion of the County Director of Public Health or the Public of Health Officer is dangerous to life or injurious to health;
- (ii) Any act, omission or thing which to the opinion of the County Director Health Services or the Director Public Health is or may be, dangerous to life, or offensive or injurious to health;
- (iii) The author of a nuisance means the person by whose act, default or sufferance nuisance is caused, exists or is in continuing manner, whether he is the owner or occupier or both owner and occupier or any other person;
- (iv) Any improper pre-storage and disposal of clinical waste arising from medical, nursing, dental, veterinary, pharmaceutical or similar practice, investigation, treatment, care, teaching or research which by nature of its toxic, infectious or dangerous content may prove a hazard or give offence unless previously rendered safe and inoffensive. Such waste includes human or animal tissue or excretions, drugs and medical products, swabs and dressings, instruments or similar substances and materials.

Prevention and Suppression of Health Nuisance.

52. No owner or occupier of any residential or commercial premises or vacant land adjoining a residential or commercial premises shall use, cause or permit to be used such premises, vacant land or any portion thereof which is open to public, for the purpose of storing, stacking, or keeping any waste material, refuse, crates cartons, containers or any other articles in such a way as to cause a health nuisance.

Notwithstanding the provision of any other Act, no person shall—

- (a) allow any compound to be overgrown with bush, weeds or grass or other vegetation, except cultivated trees, shrubs and grass, to such an extent that, in the opinion of the county director health services or Director of Public Health, it may be used as a shelter by vagrants, wild animals or vermin without threatening the public health or attached to any building or structure in good and sound repair;
- (b) fail to maintain the sewers, drains, water fittings waste water fittings, water fittings, water closet fittings and all other sanitary accessories forming part of or attached to any building or structure in good and sound repair;
- (c) deposit, keep, cause or permit to be deposited or kept any night soil on any premises, except in a proper sanitary convenience of such nature or in such convenience approved by the county director Public health;
- (d) keep, cause or suffer to be kept upon any premise any sanitary convenience of such nature or in such condition that it is a health nuisance;
- (e) carry, convey or permit any stream, pool, ditch drain, gutter, watercourse, sink, bath, cistern, water closet, privy or urinal on any land or premises that is owned or occupied by him or of which he is in charge to be or to become so foul or in such a state or to be so situated or constructed so as to be a health nuisance;

Cause or permit any foul or polluted water or any foul liquid or objectionable material to run or flow from any premises to that owned or occupied by another person, whether occupied for trade, business, manufacturing, dwelling or other purposes, onto any land or into any storm water, river or canal system;

- (f) Any person who contravenes this section shall be guilty of an offence and upon conviction be liable for punishment in accordance with the provisions of this Act.

53. The owner of any premises, which is let or subject to more than one tenant, shall be maintain at all times in a clean and sanitary condition, every part of such premises as may be used in common by more than one tenant.

54. No person shall keep, cause or suffer to be kept any factory or trade premises so as to cause or give rise to smells or effluent that constitute a health nuisance.

(1) Every person who is the occupier or in charge of any premises or the owner of any vacant land in the area of jurisdiction of the county, shall take all possible precaution to prevent conditions favoring the multiplication and prevalence of, and shall take steps for the eradication of vectors or vermin.

(2) An authorized person employed by the county may serve upon such owner, occupier or person in charge of a notice in regard to the prevention or eradication of any such vermin or pest and specify a time period within which such vermin and/or pest must be eradicated.

55. No person shall keep cause or suffer to be kept on any premises any accumulation or deposit of filth, rubbish, refuse, manure, other offensive matter, or objectionable material or thing so as to be a health nuisance.

56. No people shall, without the written permission of the county director public health, occupy or permit to be occupied for human habitation a caravan, tent or other similar shelter of any description or subserviced land except on an authorized camping or caravan site.

Offences

57. Any person who contravenes or fails to comply with any provisions of this Part or fails to comply with any notice lawfully given there under shall be guilty of an offence and upon conviction be liable to a fine as prescribed in this Act.

PART VII — FOOD HYGIENE

PRELIMINARY

“Food contact surface” means the building or plant thereof used for or in connection with the sale, preparation, packing, or storing of food

“Food Plant” means the building or plant thereof used for or in connection with the sale, preparation, packaging, or storing of food;

“Sanitize” means adequately treated surface by a process that is effective in destroying vegetative cells or pathogenic bacteria and substantially reduce other micro-organisms such that the treatment shall not adversely affect the food and shall be safe for the consumer;

“Animal” means any animal used as food, but does not include marine or fresh water animals;

“Meat” shall be the clean dressed fresh of slaughtered animal that has been inspected by an authorized Officer and found fit for human consumption;

“Meat product” means the products obtained from meat and included those parts of the carcass not usually include in meat;

“Executive member ” means the executive member of health who for the time being is responsible for health ministry;

“Food” includes any article manufactured, and sold or presented for the use as food or drink for human consumption, chewing gum and any ingredient of such food, drink or chewing gum;

“Package” includes anything in which any food is wholly or partly placed or packed.

“Label” includes any legend, work or mark attached to include in belonging to or accompany any food;

“Preparation” includes manufactured and any form of treatment and “prepared” shall be constructed accordingly;

“Container” includes any basket, pail, tray, handcart, trolley, package or receptacle of any kind, whether movable, stationed, open or closed;

“Sell” includes offer, advertise, keep, expose, transmit, convey, deliver, or prepare for the sale or exchange, dispose of for any consideration whatsoever or transmit, convey or deliver in pursuance of a sale, exchange or disposal as aforesaid;

“Insanitary conditions” means such conditions or circumstances as might contaminate Food, with dirt or filth or might render the same injurious or dangerous to health;

“Premises” includes any building, tent, handcart together with the land on which the same is situated and any adjoining land used in connection herewith, and includes any vehicle, bicycle;

“Health Authority” means health authority of the County Government of Nakuru;

“Public analysts” means a person appointed by the county to act as an analyst;

“Infectious disease” means every disease, which can be communicable directly or indirectly by any suffering there from to any other person.

PART VIII (A) — GENERAL PROVISIONS

PROTECTION OF FOODSTUFFS

Prohibition Against Sale of Unwholesome Poisonous or Adulterated Food

58. Any person who sells any food that;

- (a) Has in or upon it any poisonous or harmful substances;
- (b) Is unwholesome or unfit for human consumption ;or
- (c) Consist in whole or in part of any filthy, putrid, disgusting, rotten, decomposed or disease substance or foreign matters;
- (d) Is adulterated, shall be guilty of an offence and upon conviction be liable for Punishment in accordance with these by-laws.

Deception

59. (1) Any person who labels, packages, sells or advertises any food in contravention with this Act or in a manner that is false, misleading or deceptive as regards its character, nature, value, substance, quality, composition, merit, or safety, shall be guilty of an offence and upon conviction be liable for punishment in accordance with this Act.

Prohibition

60. Any person who sells to the prejudice of the purchaser any food which is not of the nature or is not of the substance, or is not of the quality, of the article demanded by the purchaser shall be guilty of an offence and upon conviction be liable of a punishment in accordance with the provisions of this Act

61. Any person who prepares, packages, stores, displays for sale or sells any food under insanitary conditions shall be guilty of an offence and upon conviction be liable of a punishment in accordance with the provision of this law.

Food Hygiene License

62. (1) No person shall use any premises for the manufacture, preparation, storage or sale of food unless he shall be in lawful possessions of current license issued by the County, and shall include, among others, a Food Hygiene License. Notwithstanding the provisions

of this Act, the County shall require any market stall dealing with food to have a valid food Hygiene License;

(2) Every person desiring Food Hygiene License under this Act in respect of any premises used, for the purpose of selling, preparing, storing or displaying for sale any food shall make an application as prescribed in this bill to the County upon payment of a fee which the County may impose according to the approved and gazetted fee and charges.

(3) No license shall be issued under this Act unless—

- (a) the health authority is satisfied that the provisions of this bill have been complied with; and
- (b) the Fee prescribed by the County have been paid.

(4) Every food Hygiene License issued under this Act shall be in a Form set out in this Act.

Offences

63. (1) Any person found operating a food premises without a food hygiene license shall be guilty of an offence and upon conviction liable for punishment in accordance with the provision of this law.

(2) Any person who fails to display his Food Hygiene License at a conspicuous position within the food plant shall be guilty of an offence and upon conviction liable for punishment in accordance with the provision of this Act.

Standard for Food Plants

64. No person shall use any premises for the manufacture, preparation, storage or sale of food unless the construction, lighting, ventilation, water supply, drainage, sanitation, situation and general condition thereof are to the satisfaction of the health authorized.

65. The fees chargeable in respect of license issued shall be paid to the County on the issue of any license issued in accordance with this Act. The fees so charged shall be determined by the County and subject to revision from time to time. Every License so issued shall expire on the 31st December following the date of issue.

Prohibition

66. No persons to whom any License is issued under the provisions of this part shall lend, hire, sell, transfer or otherwise dispose of such License to any person without permission of the County. An authorized Officer shall endorse every such transfer on the license and the prescribed fee shall of every such transfer .In no case shall any License be transferred from the premises, trade or business.

Health Measures to be Taken in a Food Plant

67. Every person who owns, operate or in charge of a food plant shall take all reasonable measures and precaution to ensure that—

(a) No person suffering from any disease in a communicable form or having boils, sores or infected wounds work in a food plant in any capacity where there is a reasonable possibility of food ingredients becoming contaminated by such person or the disease being transmitted to the other employees.

(b) (i) Thorough medical examination is carried out in a County Medical Institution only by Director Health Services on all employees prior to their employment and at regular intervals of not more than six months, and the health certificates are kept at the food plant and on demand by the authorized Officers should be produced;

(ii) The owner, operator or the person In-charge of a food plant, in pursuance of the provisions of the proceeding section shall apply to health authority for medical examination of all persons employed at the food plant;

(iii) Every application for Medical Examination under the above section shall be made in a Form prescribed by the County and shall be accompanied by a fee as per approved fees and charges;

(iv) The certificate of the Medical Examination issued by health authority under this section shall be in Form Prescribed by the County.

Offence

68. (1) Any person handling food or engaging in preparing of the food without valid medical certificate shall be guilty of an offence and liable for a punishment in accordance with this Act.

(2) Any operator or owner of a business who fails to subject his food handles for Medical Examination and hence be in possession of a valid Medical Certificate shall be guilty of an offence in accordance with the provision in this Act.

Outer Garments

69. (1) All persons working in a food plant shall wear clean outer garment which shall be white in colour or any other colour or material

approved by an authorized Officer. Such person shall conform to hygienic practices while on duty.

(2) Any person found engaging in food preparation or handling in food premises without clean outer garment shall be guilty of an offence.

Expiry Dates to be Clearly Marked on all Food Stuff

70. All food stuff shall clearly be factory marked so as to show "Expiry date" showing the last day, month and year on which the product may be sold. The Label to be hand written or a sticker on the original.

Prohibition

71. Any person who shall sell any food, whose date marking has expired after that date, shall be guilty of offence.

Notice and Closure

72. Where any food plant, by the reason of its situation construction, or disrepair, is in such a condition that any food in the premises may be exposed to contamination or deterioration or become dirty, an authorized Office may serve a notice in writing on the person who owns or operates the food plant requiring him—

- (a) To clean, reconstruct or repair the premises in the specified manner and period; or
- (b) (i) Not use the plant until the conditions stated in such notice have been fulfilled;
- (ii) Any person on whom a notice under paragraph (i) may within fourteen days from the date he receives such notice appeal to the county executive member for the order thereon as he thinks fit and whose decision shall be final;
- (iii) A notice served under this bill shall remain effective until such a time as the person on whom it is served receives a copy of the executive member's decision and complies with any direction, which may be given by the Executive Member;
- (iv) It shall be sufficient compliance with a notice served under this bill if the person on whom such a notice is served ceases to use the premises as a food plant.

Penalty

73. Any person who fails to comply with the notice served under paragraph (10) (i) (a) and (b) above shall be guilty of an offence and

liable to a fine not exceeding fifty thousand shillings or to Imprisonment for a term not exceeding nine months or both such fine and imprisonment.

74. The occupier of any premises used for the manufacture, preparation, storage or sale of food shall at all times keep such premises and all vessels, instruments or utensils used in connection with such manufacture, preparation, storage or sale in a thoroughly clean and wholesome condition.

75. No food intended for sale shall be stored or exposed for sale other than in premises licensed for such purposes and under no circumstances shall such be stored in premises used for human habitation.

Inspection of Animals by Authorized Officer

76. An authorized Officer may for the purpose of this bill, inspect any animal intended for the slaughter and may seize and examine meat which he considers to be unfit for consumption;

Hacksaws to be Provided in Butcheries

77 (1) Any owner or occupier of any butchery shall ensure that he has provided among other items, a hacksaw in his butchery for cutting bone meat.

(2) Any owner or occupier of any butchery shall ensure that the use of hacksaws in his butchery.

Offence

78. Any person who cuts meat bone for sale or otherwise to the general public without the use of a hacksaw shall be guilty of an offence. The onus of proof that such meat bone was cut using a hacksaw shall be upon the accused person.

Meat not to be Wrapped in Newspapers

79. No owner or occupier of a butchery or meat shop shall wrap or allowed to be wrapped of any meat in newspapers or in any other material not approved by the Director Public Health.

Meat Carrier License

80. No person shall transport meat in any vehicle or any vessel or receptacle within the County without a valid Food Hygiene License issued under this law.

Penalty

81. Any person who is guilty of an offence under part II A of this law for which no special penalty is provided shall be liable —

(a) in case of a first offence to a fine not exceeding five thousand shillings or an imprisonment for a term not exceeding nine months or both such fine and imprisonment;

(b) in case of a subsequent offence not exceeding fifty thousand or to imprisonment for a term not exceeding three years.

PART IX — SOLID AND LIQUID WASTE MANAGEMENT

Interpretation

“Refuse” includes garbage, tins bottles ashes, sweeping from dwellings, refuse from gardens or stables or waste products from any factory or workshop;

“Approved” means approved by the county secretary.

“Building” means any structure movable or fixed, of whatsoever kind, or any part thereof and includes drainage work and excavation;

“Domestic refuse” means garbage, tins, bottles, ashes, dusts, sweepings and all other forms of non-liquid refuse from domestic buildings, but not include refuse from gardens, or manure or night soil, or waste products from factories, workshop, laboratory clinic wastes;

“Dustbin” means a movable receptacle for the reception and storage of refuse, and made of material and of such size and construction as specified in this bill;

“Gardens refuse” means the refuse from the garden including grass, plants and cuttings of the hedge tree and manure;

“Latrine” includes privy, urinal, earth closet and water closet;

“Owner” as regards movable or immovable property, includes any person other than the County, receiving the rent, or profits of any land or premises from any tenant or occupier thereof or who would receive such rent or profit if such land or premises were let whether on his own account or as an agent for any person other than the county secretary, entitled thereto or interested therein; the term includes any lease or licensee from the county and any superintendent, overseer or manager of such lease or licensee residing on the holding;

“Sanitary Convenience” means closets and urinals;

“Trade refuse” means the refuse of any trade, manufacture or business or of any building materials but doesn’t include Laboratory, Clinical and hazardous waste;

“Water closet” means a closet, which has fixed receptacle connected to a drainage system and separate provision for flushing from a supply of clean water either by the operation of a mechanism or by an automatic action.

Removal Contents of Receptacle

82. The removal of the contents of all refuse receptacles within the Market and Urban centers shall be carried out by the county or any other person authorized by the county in writing except that the county shall not be liable for any delay or failure to remove such contents.

Maintenance of Receptacle

83. (1) The occupier of every premises within every market/urban centers/towns within the jurisdiction of this County shall provide and maintain a receptacle of refuse as may be directed by the County Director Health Services/ Director Public Health by notice to such in good condition, to the satisfaction of the county director health services, such number of receptacles.

(2) No persons shall use a receptacle for purpose of storing any refuse for collection by the county unless the receptacle is of design, standard and specifications approved by the County.

84. Any person who contravenes or fails to comply with any of the provisions of this bill shall be guilty of any offence.

Deposit and removal of refuse

85. The occupier of any premises shall—

(1) deposit within the refuse receptacle of his premises all refuse from such premises;

(2) at the time notified by the county cleansing staff under Paragraph (ii) of this section, place the refuse receptacle in a suitable position as near as is convenient for the County cleansing staff;

(3) the county cleansing staff shall in respect of every Premises, notify the occupier of every premises of these days and times the refuse will be collected from his/her refuse receptacle;

(4) any person who contravenes or fails to comply with any provision of this bill will be guilty of an offence.

Burning Ashes and Liquids

86. Any person who deposits in any refuse receptacle maintained under Section 4 of this Act—

(1) Burning ash or other material in a state which is likely to cause fire; or

(2) any liquids or solids matter likely to cause injury to any person with whom it comes into contact; shall be guilty of an offence.

Charge for Hire of Receptacle

87. The occupier of any premises or part thereof in respect of which refuse removal services is provided from time to time in accordance with approved fees and charges in respect of each receptacle appending to such premises or part thereof;

In addition to the fee payable under paragraph (1) of this Act, the occupier of any premises or part thereof, shall Pay to the county a prescribed fee for the hire of each receptacle.

Refuse on Public or Private Property

88. Any person who throws or deposit or cause to be thrown or deposited, or in any way allows refuse or waste matter to remain upon any public place, shall be guilty of an offence County Director Public Health may serve a notice to an offender under paragraph (i) requiring removing refuse or waste matter within a specified period.

Accumulation of Refuse on Premises

89. (1) Any person who permits any accumulation or deposits of refuse or other waste matter to remain in or upon his premises except as provided in this Act shall be guilty of an offence.

(2) County Director Public Health may serve a notice upon an occupier requiring him to remove any refuse in or his premises within such period as may be specified in such notice.

Removal of Refuse from Light Industrial Jua kali

90. County Director Public Health may from time to time at the request of the owner or occupier of any premises and on payment of the prescribed fee—

(1) by delivering to the person to whom is to be sent or served; or

(2) by leaving it at the Usual place or last known place of abode of that person, or in the case of a company, at its registered office; or

(3) by delivering it to any person found on the premises to which it relates, or if there is no person, on the premises to whom it can be delivered by fixing it on some conspicuous part of the premise;

(4) where the names of the owners or occupier is known, such a notice, order or document may be addressed to the 'owner or occupier' of the premises which shall be named without further name or description.

91. If any person fails to comply with the requirements of any notice, order or other documents served under this Act the County secretary may cause the work required by such document to be done and may recover from the person in default as a civil debt the expenses thereby incurred.

Penalty

92. Any person who contravenes this Act shall be guilty of an offence and upon conviction be liable to a fine not exceeding seventy five thousand shillings or one-year imprisonment or both fine and imprisonment.

PART X — ENVIRONMENTAL POLLUTION AND EFFLUENT CONTROL

GENERAL PROVISIONS

93. No person may discharge or apply any poisonous, toxic, obnoxious or obstructing matter, radiation or other pollutant or permit any person to dump or discharge such matter or pollutant the aquatic environment in contravention of water pollution control standards established by the county -

(1) owners or operators or irrigation schemes systems, industrial production plants workshops or any other undertaking which may discharge effluent shall submit to the county such information about the quantity and quality of such effluent;

(2) the County may require an owner or operator or irrigation schemes, sewage systems, industrial production plants, workshop or any other undertaking which the county has reasonable grounds to believe may cause or causes the discharge of effluent into the aquatic environment to submit all information relating to the quantity and quality of effluent as county may require;

(3) the County may order an operator or owner referred to under this section, at his expense to install such metering devices, and to have such sample taken and analyzed, and to keep such records, as the county may require;

94. The owner or operator or trade or industrial undertaking who wishes to discharge into an existing sewage system effluent from his plant shall obtain written permission to do so from the County.

95. The County may impose conditions under which an effluent can be accepted or may prescribe methods or pre-treating prior to acceptance into the system—

(1) the owner or an operator or an industrial undertaking discharging an effluent shall apply for a licence within six months after commencement of this bill.

(2) the County may grant a license for the discharge or effluent under this bill.

96. Any person indenting to erect, install or develop a new industrial or trade plant, an agricultural scheme or an undertaking likely to discharge effluent shall in addition of first obtaining all the necessary approvals from the County, inform the County of his intention during the early learning stage.

97. The county may without undue delay after receipt and consideration of the information submitted under this section require any person referred to apply for a licence or a permit as required in the Act.

98. The application for a license under this section shall be submitted to the county before development of any industrial undertaking or scheme.

99. An extension of an existing industrial or trade plant, or agricultural scheme or other undertaking shall be deemed to be new if the extension—

(a) will increase the influent of the existing plant either in the quantity or concentration of pollutants.

(b) will discharge its effluent into a different course; or

(c) will introduce a new type of pollutant into the environment.

100. The County may or may not grant a license after considering the details of—

(a) the possible effect on the quality of an affected water course or other source;

(b) the existing licenses affecting the same water course or other source; and

(c) the water requirement of other riparian's residents, human settlement and agricultural schemes which depend on the water source.

101. If a license is not granted the notice of refusal shall state the reasons of the refusal.

Discharge of Effluent to Sewers

102. (1) No persons shall discharge any effluent into any sewers except with the written permission of the County.

(2) The County may attach such conditions as it deems fit to permission granted under paragraph (i) and may at any time revoke such permission.

(3) It shall be illegal to discharge any effluent into any public land, well, borehole, surface water course, audit or pipe within the County without the consent of the county Director of Public Health.

103. No person shall discharge into any sewer any effluent, which is likely to—

(a) damage any sewer into which it is discharged or any sewer through which it is conveyed or to interfere with the flow of such a sewer;

(b) damage sewage purification works at which it is treated or equipment installed there at;

(c) interfere with any process of purification work of sewage or trade effluent;

(d) be a nuisance or injurious to health; or

(e) affect adversely the quality of the effluent discharge from the sewage purification works.

104. No person shall discharge into any sewer any effluent the temperature of which at its point of entry into the sewer exceeds thirty degree centigrade.

105. Any person who contravenes this Act shall be guilty of an offence and upon conviction be liable to a fine not exceeding one hundred thousand or to an imprisonment term not exceeding three years or both a fine and imprisonment.

PART XI— MISCELLANEOUS PROVISIONS

Power of Entry and Inspection

106. (1) Any Authorized Officer of the County shall have the power to enter and inspect any premises within the County area in order to determine whether there is compliance with the provision of this Act.

(2) When entering a premise in terms of subsection (1), the Authorized Officer shall on request by any person, identify himself by producing written proof of authorization.

(3) The Authorized Officer may be accompanied by a person reasonably required to assist in conducting the inspection.

Service of Documents and Process.

107. Whenever any notice, order, demand or other document is authorized or required to be served on a person in terms of this Act, it shall be deemed to have been effectively and sufficiently served on that person—

- (a) when it has been delivered to him personally;
- (b) when it has been left at his place of residence or business in Kenya with a person apparently over the age of eighteen years;
- (c) when it has been posted by registered mail to his last known residential or business address in Kenya and an acknowledgement of the posting thereof if produced;
- (d) where his addresses in Kenya are unknown, it has been served on his agent or representative in the manner provided by;
- (e) if his address and agent in Kenya are unknown, then it will be posted inconspicuous place on the immovable property (if any) to which it relates.
- (f) When any notice, order, demand or other document as aforesaid is authorized or required to be served on a person by reason of his being or having been the owner or occupier of or holding some other right in respect of immovable property, it shall not be necessary to name him but it shall be sufficient if he is therein described as the owner, occupier or holder of such immovable property or other right, as the case maybe.

Power of Arrest and Entry

108. (1) County Enforcement Agents/ Police shall have power to arrest without warrant any person who in his/her presence commits any offence against this Act within the county of Nakuru jurisdiction and to detain until he/she can be delivered unto the custody of competent court and dealt with accordance to the law.

(2) County Enforcement Agent/ Police shall have powers to enter into and upon any premises within the jurisdiction of the County of Nakuru for the purpose of inspection in order to enable him or her to execute his/her duties as laid down in the act.

(3) Any person who willfully interferes/hinders or obstruct a county enforcement agent or any duly authorized county officer while in execution of his duty shall be guilty of an offence.

Penalty

109. (1) Any person convicted of an offence under this bill shall be liable to a fine not exceeding twenty thousand shillings or imprisonment for a period not exceeding one year.

(2) In case of a continuing offence an additional fine of three thousand shillings for each day on which such an offence continued.

(3) In addition to any penalty imposed in terms of Paragraph (i) and (ii), the person so convicted shall be liable to pay the cost of repair of any damage caused or costs incurred in remedying any damage resulting from such an offence.

Power to Prosecute

110. (1) A Health Authority may, by any of its officers or by any person specially authorized in writing by the Authority, prosecute for any contravention of, or offence against or default in complying with, any provision of this Act or any rule made or deemed to be made there under, If the contravention, offence or default is alleged to Have been committed within or to affect his area.

Public Health Fund (cap 242)

111. (1) There shall be a fund to be known as public health and sanitation fund.

(2) All funds obtained from public health activities shall be retained within the department for primary health Care services and sanitation activities within the County.

112. The executive member shall have powers to make rules and Regulations for better performance of this Act

MEMORANDUM OF OBJECTS AND REASONS

The principal object of this Bill is to make provision for the imposition and recovery of a tax in respect of entertainments, and for other matters incidental and connected thereto. The bill provides for protection of foodstuffs and examination of those unfit for consumption. It also provides for proper methods of sanitation and housing and disposal of hazardous waste as well as conservation of the environment.

Statement on the Delegation of Legislative Powers and Limitation of Fundamental Rights and Freedoms

The bill does not delegate legislative powers nor does it limit fundamental rights and freedoms.

Statement of how the Bill Concerns County Governments

The Bill concerns the County Government in the sense that it deals with matters of Public Health and Sanitation at county level. It provides for safeguards against selling of unwholesome foodstuffs by requiring food sellers, preparers and those who store or display the same to have Food Hygiene Licenses.

Moreover, it is the duty of the County Government to exercise the powers vested in it to provide proper safeguards for the sale of food, drugs, cosmetics, devices and chemicals and in particular to direct its officers to produce samples for analysis. In case of an offence under this Act, an authorized officer of the County Government may take out proceedings for such an offence before any Magistrate having jurisdiction.

The Bill therefore concerns County Governments as it affects the Powers and functions of County Governments in terms of Article 110 (a) of the Constitution.

The enactment of this Bill will not occasion additional expenditure of public funds.

Statement on Delegated Powers to Legislate

The executive Committee member responsible for Health is empowered to bring into operation the various provisions of the Act or certain sections of the schedule. This is to put in place of the necessary physical, administrative and personnel infrastructure to aid in the operationalization of the Act.

JOSEPH LANGAT.
Chairperson, Health Services Committee.

