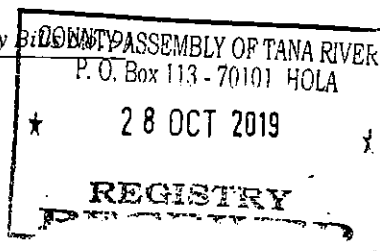


SPECIAL ISSUE

Kenya Gazette Supplement No. 14 (Tana River County Bills)



REPUBLIC OF KENYA

KENYA GAZETTE SUPPLEMENT

TANA RIVER COUNTY BILLS, 2019

NAIROBI, 12th September, 2019

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**THE TANA RIVER COUNTY PUBLIC PARTICIPATION
(AMENDMENT) BILL, 2019**

ARRANGEMENT OF CLAUSES

Clause

- 1— Short title.
- 2— Amendment to Section 46 of Act No. 8 of 2017.
- 3— Amendment to Section 48 of Act No. 8 of 2017.

**THE TANA RIVER COUNTY PUBLIC PARTICIPATION
(AMENDMENT) BILL, 2019**

A Bill for

AN ACT of the County Assembly of Tana River to amend the Tana River County Public Participation Act, 2017 and for connected purposes

ENACTED by the County Assembly of Tana River as follows—

Short Title

1. This Act may be cited as the Tana River County Public Participation (Amendment) Act, 2019.

Amendment of Section 46 of Act No. 8 of 2017

2. Section 46 of the Tana River County Public Participation Act, 2017 (hereinafter referred to as the “Principal Act”) is amended in subsection (1)—

- (a) paragraph (a) by deleting the figure “21” immediately after the words “at least” and substituting therefor the word “seven”; and
- (b) paragraph (b) by deleting the figure “21” immediately after the words “at least” and substituting therefor the word “seven”.

Amendment of Section 48 of Act No. 8 of 2017

3. Section 48 of the Principal Act is amended in subsection (3) by deleting the words “twenty-one” immediately after the words “at least” and substituting therefor the word “seven”.

Section 46 of the Principal Act which is proposed to amend—

Notification of Public Participation

46. (1) When convening any public forum under this Part III, the Directorate and the office shall ensure that—

- (a) a notice is published in at least one national daily newspaper having wide circulation within the county at least 21 days prior to the proposed forum; and
 - (b) the notice is announced in at least one community radio station within the county at least 21 days prior to the proposed forum;
- (2) The notices in subsections 1(a) and (b) shall—
- (a) include an information statement summarizing particulars of the subject matter of the proposed consultative forum;

The Tana River Public Participation (Amendment) Bill, 2019

- (b) inform public on various ways in which to access any documents relating to the subject matter of the proposed consultative forum; and
- (c) invite the public to submit written comments or representations in respect of the proposed subject matter of the forum indicating the time and date within which such written comments or representations should be made.

(3) The Directorate or the office may, in its own discretion, use such other means of communication in addition to those prescribed in subsection (1) above to notify and invite the public to the Public forum convened under this Act.

Section 48 of the Principal Act which is proposed to amend—

Communication to local communities

48. (1) When anything is to be notified by an administrator through the media to the local community in terms of this Act or any other applicable legislation, it shall be done—

- (a) in the local newspaper;
- (b) in the newspaper or newspapers circulating in its area and determined by the County Assembly as a newspaper of record; and
- (c) by means of radio or television broadcasts covering the area of the Community.

(2) Notification to the public shall be in the official languages and having regard to language preferences and usage of the area.

(3) A copy of every notice shall be published in the Gazette or the media in terms of this Act or any other applicable legislation, at least twenty-one days before the meeting and shall also be displayed at the sub-county or ward or village offices.

(4) A notice shall indicate the subject matter, time, date and venue of the meeting.

(5) (a) When the administrator invites the local community to submit written comments or representations on any matter before the County Assembly, it shall be stated in the invitation that any person who cannot write may come during office hours to a place where a staff member of the County Assembly named in the invitation will assist that person to transcribe that person's comments or representations.

(b) No administrator shall invite the local community to submit written comments or representations on any matter before the County Assembly without the authority of the Speaker.

(6) (a) When an administrator requires a form to be completed by a member of the local community, he or she shall designate someone to give reasonable assistance to persons who cannot read or write, to enable such persons to understand and complete the form;

(b) If the form relates to the payment of money or to the provision of any service, the designated assistant shall include an explanation of its terms and conditions.

The Tana River Public Participation (Amendment) Bill, 2019

MEMORANDUM OF OBJECTS AND REASONS

Statement of objects and reasons of the legislative proposal

This Bill seeks to amend the Tana River County Public Participation Act, 2017.

Statement on the delegation of legislative powers

This legislative proposal does not any delegate legislative powers to any entity.

Statement on limitation of fundamental rights and freedom

The Bill does not limit any fundamental rights and freedoms.

Statement on whether the Bill is a money Bill

This Bill is not a money Bill within the meaning of Article 114 of the Constitution and Section 21(4) of the County Governments Act.

Statement on the financial implications and expenditure of public moneys

The operationalisation of the proposed law shall not entail an additional expenditure of public funds.

Dated the 23rd August, 2019.

MUSA WARIO SHURA,
Chairperson, Finance and Planning Committee.