

SPECIAL ISSUE

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REPUBLIC OF KENYA

***TURKANA COUNTY GAZETTE
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THE TURKANA COUNTY ORDER OF PRECEDENCE BILL, 2014
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THE TURKANA COUNTY ORDER OF PRECEDENCE BILL, 2014**A Bill for**

An ACT of Turkana County Assembly to provide for the order of precedence for officials at foreign, official, state and social county functions within Kenya and abroad, and for connected purposes.

ENACTED by the Turkana County Assembly, as follows:

Short Title

1. This ACT may be cited as the Turkana County Order of Precedence Act, 2014.

Interpretation

2. In this Act unless the context otherwise requires-

“County Executive” means the County Executive committee member for the time being responsible for matters relating to Public service and Administration affairs;

“Order of Precedence” means a list of officers arranged in their order of seniority or hierarchy in the Turkana County Government;

“Public Officer” has the meaning assigned to it under Article 260 of the constitution.

“Siren” means an electronic device producing a loud, wailing sound as a signal or warning;

“State or County function” means any formal activity, organized by the national or county government, conducted on some solemn or important public or state or county occasion;

“State officer” has the meaning assigned to it under Article 260 of the constitution;

Objects and Purposes

3. The objects and purposes of this Act are to-

- (a) Maintain public order and decorum at official county or state functions and social engagements of the Turkana county Government;

- (b) Promote a county culture of respect, orderliness and discipline for public officials;
- (c) Facilitate the good governance of the Turkana County Government;
- (d) Act as a guide for the Salaries and Remuneration Commission in determining the remuneration, Salaries and allowances for state officers at county in accordance with Article 230 of the constitution;

PART II – ORDER OF PRECEDENCE AND PROTOCOL

Order of Precedence

4. (1) There is established an order of precedence for the holders of the following county state Officers and Public offices in the following hierarchy;

- (a) The Governor;
- (b) The Deputy Governor;
- (c) The Senator;
- (d) The Speaker of County Assembly;
- (e) The Woman Member of Parliament;
- (f) Members of Parliament;
- (g) Members of County Assembly;
- (h) The County Commissioner;
- (i) The Bishops of Churches;
- (j) County Attorney;
- (k) Chairpersons of County Boards;
- (l) County Police Service Commanders;
- (m) County Secretary;
- (n) County Executive Committee Members;

- (o) The Clerk County Assembly;
- (p) Members of County Boards and Committees;
- (q) County Chief Officers;
- (r) Directors of County Departments;
- (s) Distinguished Council of Elders members;

Procedure for presenting the Petition

- (2) The Order of Precedence shall be used to-
 - (a) Determine and rank state officers, county officers and public officers;
 - (b) Develop seating charts, programmes and the order in which national and county governments officials deliver address at national and county functions;
 - (c) Any other matters of protocol at county and public functions;

(3) The Turkana County Order of precedence does not in any way or form impute a succession of duties, or reflect the Governor line of succession or affect the status of the arms or branches of county government under the constitution.

Use of County Flag and Sirens

5. (1) Notwithstanding the provisions of any other law to the contrary, the following state officers shall be entitled to use the county flag and sirens on their motorcades and processions-

- (a) the Governor;
- (b) the Deputy Governor;
- (c) the Speaker of County Assembly;
- (d) the County Secretary;
- (e) the County Attorney;
- (f) the County Executive Committee Member;

(2) A person, other than those listed in subsection (1), who uses the county flag on a motor vehicle commits an offence, and shall be liable on

conviction to a fine of not less than one hundred thousand shillings and not more than two fifty thousand shillings or to imprisonment for a term not less than three months, or both.

Use of titles

6. (1) For purposes of public address the following titles shall be used to refer to the following persons-

- (a) the Governor shall be referred to as “ His/ Her Excellency The Governor”;
- (b) the Deputy Governor shall be referred as “His/ Her Excellency The Deputy Governor”
- (c) the Senator shall be referred as “ Honourable Senator”;
- (d) the Speaker of County Assembly shall be referred as “ The Right Honourable Speaker”;
- (e) Woman Member of Parliament shall be referred as “ Honorable Woman MP”;
- (f) Members of parliament shall be referred as “ Honourable;
- (g) Members of County Assembly shall be referred as “Honourable”;
- (h) Spouse of the Governor shall be referred as “ My County lady”;
- (i) Spouse of the Deputy Governor shall be referred as “ My lady”
- (j) The County Commissioner shall be referred as “Mr., Mrs., Ms.”;
- (k) The Bishops of distinguished churches shall be referred as “ Your lordship”;
- (l) County Attorney shall be referred as “ the Attorney”;
- (m) Chairpersons of county boards shall be referred as “the Commissioner”;
- (n) County Police service commanders shall be referred as “Mr., Mrs. Ms.”;
- (o) County Secretary shall be referred as “ Mr., Mrs. Ms.”;

- (p) County Executive committee members shall be referred as “ Mr., Mrs. Ms.”;
- (q) The Clerk County Assembly shall be referred as “ the substantive Clerk”;
- (r) Members of County Boards and Committees shall be referred as “Mr., Mrs. Ms”;
- (s) County Chief officers shall be referred as “ Mr., Mrs. Ms”;
- (t) Directors of County Departments shall be referred as Mr., Mrs. Ms.”;
- (u) The Sub-County Administrator shall be referred as “Mr., Mrs., Ms”;
- (v) The ward Administrator shall be referred as “Mr., Mrs., Ms”
- (w) Council of Elders members shall be referred as “ Distinguished elders”;

Consideration of Petition

(2) A person who uses a title in contravention of subsection (1) commits an offence and shall be liable on conviction to a fine more than one hundred thousand shillings, or to imprisonment for a term not less than three months, or both.

PART III – MISCELLANEOUS

Offences and Penalties

7. (1) If any state or public officer acts in contravention of the Provisions of this Act, either through his or her disobedience, disregard, abuse, neglect or negligence, the state or public officer commits an offence and shall be liable on conviction to a fine not less than five hundred thousand shillings and not more than two hundred fifty thousand shillings, or to imprisonment for a term not less than six months, or both such fine and imprisonment.

(2) Any other person other than a state or public officer who contravenes the provisions of this Act commits an offence and shall be liable for conviction to a fine not less than one hundred thousand shillings and not more than two hundred thousand shillings, or to imprisonment for a term not exceeding three months, or both such fine and imprisonment.

Rules

8. The County Executive committee member may, with approval of the County Assembly, Make rules for the better carrying out of the objects of this Act.

MEMORANDUM OF OBJECTS AND REASONS

The principle purpose of this Bill is to promote the good image of the county, foster orderliness, discipline and decorum in the processes of governance. It is further aimed at providing a yard stick for determining the proper position of all officers, their seniority and hierarchy for the purposes of county functions.

PART I of the Bill contains preliminary provisions.

PART II of the Bill establishes the order of precedence, the Governor being the first in the list. **Clause 3** sets out the objectives of establishing an order of precedence as promoting orderliness and decorum as well as promoting county culture of respect for public officials. **Clause 4** sets out the circumstances in which the order of precedence shall be used and that it does not reflect the line of succession as between the officers set out therein. **Clause 5** Specifies the persons entitled to the use of the county flag and sirens on motorcades and during processions while **Clause 6** provides for titles to be used in addressing certain persons and office holders. **Clause 7** provides for offences and penalties.

The Bill is not a Bill concerning National Government.

The enactment of this Bill will not occasion additional expenditure of public funds within the meaning of Article 114 of the constitution.

Dated the 24th July, 2014.

IMANA PATRICK,
Member of Turkana County Assembly.

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