

SPECIAL ISSUE

Kericho County Gazette Supplement No. 23 (Acts No. 6)



REPUBLIC OF KENYA

**KERICHO COUNTY GAZETTE
SUPPLEMENT**

ACTS, 2014

NAIROBI, 13th October, 2014

CONTENT

Act—

PAGE

| | |
|--|---|
| The Kericho County Petition to County Assembly (Procedure) Act, 2014..... | 1 |
|--|---|

THE KERICHO COUNTY PETITION TO COUNTY (PROCEDURE) ACT, 2014

No. 6 of 2014

Date of Assent: 2nd October, 2014

Date of Commencement: 13th October, 2014

ARRANGEMENT OF SECTIONS

Section

PART I—PRELIMINARY

- 1—Short Title.
- 2—Interpretation.
- 3—Object of the Act.

PART II—PETITION PROCEDURE

- 4—Form of petition.
- 5—Procedure for presenting the petition.
- 6—Consideration of petition.
- 7—Publication of decision on petition.
- 8—Register of petitions.

PART III—MISCELLANEOUS

- 10—Rules.

SCHEDULE

Form Petition

AN ACT of the County Assembly of Kericho to give effect to Article 37 of the Constitution and section 15 of the County Governments Act, 2012 in order to provide for the establishment of legal framework for procedure to public petitions to the county assembly and for connected purposes

ENACTED by the County Assembly of Kericho as follows—

1. This Act may be cited as the Kericho County Petition to County Assembly (Procedure) Act, 2014 and shall come into operation upon publication in the Kenya Gazette.

Short Title.

2. In this Act, unless the context otherwise requires—

Interpretations.

“Clerk” means the Clerk of the County Assembly;

“Petition” means a written prayer to the County Assembly under Article 37 of the Constitution or section 15 of the County Governments Act with the procedure set out in this Act;

“Petitioner” means a person, institution or corporation who petitions the County Assembly under Article 37 of the Constitution or section 15 of the County Governments Act with the procedure set out in this Act;

“Register” means the register maintained by the Clerk under sections 8 ; and

“Speaker” means the Speaker of the County Assembly.

3. The purpose of this Act is to provide for a legal framework for petitioning County Assembly in order to—

Purpose of the Act.

- (a) promote and facilitate public participation in the conduct of the business of the County Assembly;
- (b) to promote good local governance;
- (c) promote democratic and accountable exercise of power.

PART II—PETITION PROCEDURE

4. A petition to County Assembly shall be in the form set out in the Schedule and shall —

Form of petition.

- (a) be handwritten, printed or typed;
- (b) be in English or Kiswahili and be written in

- respectful, decorous and temperate language;
- (c) be free of alterations and interlineations in its text;
 - (d) be addressed to the County Assembly;
 - (e) have its subject-matter indicated on every sheet if it consists of more than one sheet;
 - (f) confirm that efforts have been made to have the matter addressed by the relevant body and that there has been no response on the matter from the relevant body or that the response has not been satisfactory;
 - (g) confirm that the issues in respect of which the petition is made are not pending before any court or other constitutional or legal body;
 - (h) conclude with a clear, proper and respectful prayer, reciting the definite object of the petitioner or petitioners in regard to the matter to which it relates;
 - (i) subject to paragraph (m), contain the names, addresses, identification numbers, signature or a thumb impression of the petitioner or of every petitioner, where there is more than one petitioner;
 - (j) contain only signatures or thumb impressions, as the case may be, and addresses and identification numbers written directly onto the petition and not pasted thereon or otherwise transferred to it;
 - (k) not have any letters, affidavits or other documents annexed to it;
 - (l) in the case of a petition presented by a Member of County Assembly on behalf of a petitioner, be countersigned by the Member presenting it; and
 - (m) if the petitioner is unable to sign, be signed by a witness in whose presence the petitioner shall make his or her mark or thumb impression on the petition.

5. (1) A petition to the County Assembly shall be —

- (a) submitted to the Clerk by the petitioner; or
- (b) presented by a member of the County Assembly on

Procedure for
presenting the
petition.

behalf of a petitioner, with the consent of Speaker.

(2) Notwithstanding subsection (1) (b), a member of County Assembly shall not be eligible to present a petition on his or her own behalf.

(3) The Clerk shall, within seven days of the date of receipt of the petition, review the petition to ascertain whether the petition meets the requirements of this Act.

(4) Where the Clerk considers that a petition does not comply with section 4, the Clerk may give such directions as are necessary to ensure that the petition is amended to comply with that section.

(5) A petition shall not be rejected merely because it is not addressed to the Clerk.

6. (1) The Clerk shall, if satisfied that the petition meets the requirements of this Act, forward the petition to the Speaker for tabling in the Assembly.

Consideration of petition.

(2) A petition that is tabled in the County Assembly under this Act shall be considered in accordance with the County Assembly Standing Orders.

(3) The Clerk shall, within fifteen days of the decision of the county Assembly, in writing, notify the petitioner of the decision of the County Assembly.

7. The Clerk shall, within fourteen days after the decision is communicated to the petitioner or petitioners under section 6 (3) —

Publication of decision on petition.

(a) give notice of the decision to the public by posting a copy in a conspicuous place at the County Assembly offices;

(b) inform the public that a copy or extract of the decision is available on its website;

(c) publish the decision in the county *Gazette*, print or electronic media; or

(d) publish the decision in such other manner as may be appropriate for the dissemination of information.

8. (1) The Clerk shall keep and maintain a register in which shall be recorded all petitions and supporting documents, and the decisions of the County Assembly.

Register of petitions.

(2) The register of petitions under subsection (1) shall be accessible to the public during working hours.

PART III—MISCELLANEOUS

9. The Speaker may in accordance with the County Rules. Assembly Standing Orders make rules for the better carrying into effect of the provisions of this Act.

SCHEDULE (s. 4)

FORM OF PETITION

Kericho County Assembly

WE/I, the undersigned and humble Petitioner(s),.....

(Here insert the names or description of the petitioner or petitioners and address including their status: residents of a particular area e.g sub county, Ward or Village,..... workers, particular part of the community, minority or marginalised group etc.)

DRAW the attention of the County Assembly to the following:

(Here, briefly state the reasons underlying the petition and request for the intervention of the county Assembly by outlining the grievances or problems and summarizing the facts which the petitioners wish the County Assembly to consider)

THAT:

(Here confirm that efforts have been made to have the matter addressed by the relevant body, and it failed to give satisfactory response.)

THAT:

(Here confirm that the issues in respect of which the petition is made are not pending before any court of law, or constitutional or legal body.)

THEREFORE your humble petitioners PRAY that the County Assembly—

(Here, set out the prayer, by stating in summary what action the petitioners wish the County Assembly to take or refrain from)

and your PETITIONERS will ever Pray.

| Name of petitioner | Full Address | National ID or Passport No. | Signature/Thumb print |
|--------------------|--------------|--------------------------------|--------------------------|
| ----- | ----- | ----- | ----- |
| ----- | ----- | ----- | ----- |
| ----- | ----- | ----- | ----- |
| ----- | ----- | ----- | ----- |

PETITION concerning.....

(Here, repeat the summary in first page)

*This form may contain such variations as the circumstances of each case may require.