

REPUBLIC OF KENYA
COUNTY GOVERNMENT OF BOMET



BOMET COUNTY ASSEMBLY
SECOND ASSEMBLY – SECOND SESSION

REPORT OF THE
SECTORAL COMMITTEE ON ADMINISTRATION, PEACE, JUSTICE AND LEGAL AFFAIRS
ON THE
CONSIDERATION OF THE BOMET COUNTY STATUTORY INSTRUMENTS BILL, 2018



*Tabled on 4/12/2018
at 2:30pm
any...*

CLERK'S CHAMBERS
BOMET COUNTY ASSEMBLY
COUNTY ASSEMBLY CHAMBERS BUILDINGS
BOMET

DECEMBER, 2018

PREFACE

Mr. Speaker, Sir,

The Sectoral Committee on administration, Peace, Justice and Legal Affairs is constituted pursuant to the provisions of Standing Order No. 193(1) of the Bomet County Assembly¹ and has executed its mandate in accordance with the provisions of the said Standing Order 193(5) (f)² which mandates the Committee to, inter alia;

- a) investigate, inquire into, and report on all matters relating to the mandate, management, activities, administration, operations and estimates of the assigned departments;*
- b) study the program and policy objectives of departments and the effectiveness of the implementation;*
- c) study and review all county legislation referred to it;*
- d) study, assess and analyze the relative success of the departments as measured by the results obtained as compared with their stated objectives;*
- e) investigate and inquire into all matters relating to the assigned departments as they may deem necessary, and as may be referred to them by the County Assembly;*
- f) to vet and report on all appointments where the Constitution or any law requires the County Assembly to approve, except those under Standing Order 188(Committee on Appointments); and*
- g) make reports and recommendations to the County Assembly as often as possible, including recommendation of proposed legislation*

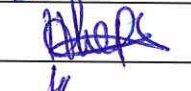
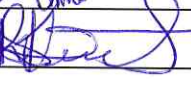
¹ Standing Order No. 193(5)(f) of the Bomet County Assembly

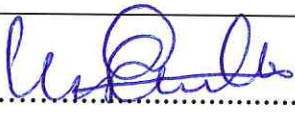
² Standing Order 191(5) of the Bomet County Assembly

Affirmation and Approval

Mr. Speaker, Sir,

The composition of the committee comprises of the following members whose signatures have been appended confirming that the committee undertook the agenda therein and came up with this report.

No.	Name	Position	Signature
1.	Hon. Samwel Kiprop A. Keter	Chairperson	
2.	Hon. Evaline Chepkemai	V. Chairperson	
3.	Hon. Wesley Kiprotich	Member	
4.	Hon. Catherine Chemutai	Member	
5.	Hon. Hellen Chepkorir	Member	
6.	Hon. Josphat Kirui	Member	
7.	Hon. Robert Kiplangat Serbai	Member	

Signed.......... Date.....3rd Dec, 2018.....

Hon. Samwel Kiprop A. Keter, MCA

Chairperson, Sectoral Committee on Administration, Peace, Justice and Legal Affairs

Background Information

Mr. Speaker, Sir,

The Bomet County Statutory Instruments Bill, 2018, underwent the First Reading on Wednesday, 7th November, 2018 and was effectively committed to the Committee on Administration, Peace, and Legal Affairs, as provided for under Standing order 125(3).

Pursuant to Article 196(b) of the Constitution and Standing Order 125(3) which require public participation and involvement in the legislative and other business of the County Assembly and its Committees, a notification was placed in the mainstream print media on 17th November, 2018³, informing the public that the Committee was considering the Bomet County Statutory Instruments bill and inviting them to submit any representations they might have on the proposed Bill.

Mr. Speaker, Sir,

The Committee held a total of four meetings and a retreat to consider the Bill. A number of meetings were held with stakeholders from the County Executive during the scrutiny of the Bill. Specifically, the Department of Administration, Information Communication Technology and Public Service met once with the Committee on the proposed Bill. The committee did not receive any written memorandum on the bill, however, the members of the public made oral submissions before it during the public participation held on the 26th November, 2018 at the Saint Bakhita hall in Bomet as required by Article 196(b) of the Constitution.

The Committee noted that the members of the public made several oral submissions on the Bill but which in a nut shell echoes the salient components of the Bill. The committee further studied and analyzed all the oral submissions as captured by its technical team and concluded that none proposed substantive amendments to the Bill.

³ The Daily Nation dated 17th November, 2018

Mr Speaker Sir,

The Bomet County Statutory Instruments Bill, 2018, seeks to provide a comprehensive framework for the making, scrutiny, publication and operation of statutory instruments by—

- a. requiring regulation-making authorities to undertake appropriate consultations before making statutory instruments;
- b. promoting high standards in the drafting of statutory instruments to ensure their legal effectiveness, clarity and intelligibility to anticipated users;
- c. enhancing public participation in the making of statutory instruments;
- d. establishing a mechanism for scrutiny of statutory instruments by county assembly; and
- e. establishing a mechanism for the periodic review of statutory instruments and where they no longer have a continuing purpose, their repeal.

Mr. Speaker, Sir,

While a regulation making authority is making a statutory instrument, one shall be guided by the provisions of Article 94 of the Constitution of Kenya which reads as follows “ (5) *No person or body, other than Parliament, has the power to make provision having the force of law in Kenya except under authority conferred by this Constitution or by legislation.*

(6) An Act of Parliament, or legislation of a county, that confers on any State organ, State officer or person the authority to make provision having the force of law in Kenya, as contemplated in clause (5), shall expressly specify the purpose and objectives for which that authority is conferred, the limits of the authority, the nature and scope of the law that may be made, and the principles and standards applicable to the law made under the authority”.

Mr. Speaker, Sir,

The Bomet County Statutory Instruments Bill, 2018, makes provision for the procedure of consideration of Statutory Instruments by the County Assembly and provide for the legal mechanism by which the County Assembly shall scrutinize them.

Mr Speaker, Sir

The Bill also provides for an enhanced public participation and citizen engagement by the regulation making authority before making statutory instruments with the stake holders (persons who are likely to be affected by the proposed instrument).

The committee notes that this Bill is important since it shall enable the county executive departments to develop guidelines on the necessary statutory instruments thus allowing for full operation of the Acts of this County Assembly

The Committee after meticulous examination of the public oral submissions found out that this Bill shall by a great scope aid service delivery to the county residents as most of the challenges hindering service delivery emanates from non-availability or inadequate statutory instruments.

Mr. Speaker, Sir,

The committee notes that the bill if utilized effectively and efficiently by the relevant county executive departments, shall improve county revenue as it seeks to empower the user department to come up with the best revenue collection measures and practices through statutory instruments.

Mr. Speaker, Sir,

The Committee is thankful to the Office of the Speaker and the Clerk for the logistical and technical support accorded to it during its Sitzings in consideration of the Bill.

Mr. Speaker, Sir,

On behalf of the Committee, and pursuant to Standing Order 193 (5), it is my pleasant duty to table in the Assembly the Report of the Sectoral Committee on Administration, Peace, Justice and Legal Affairs on its scrutiny of the Bomet County statutory Bill, 2018.

Thank you.

THE BOMET COUNTY STATUTORY INSTRUMENTS BILL, 2018

The Committee deliberated on the Bill as follows;

Clause 1	- Agreed to
Clause 2	- Agreed to
Clause 3	- Proposed amendment to sub clause (2) by deleting a and
Clause 4	replacing with the
Clause 5 to 24	- Proposed amendments to clause (d) inserting the word the and deleting the word assemblies and replacing with assembly
Schedule	- Agreed to

COMMITTEE'S PROPOSED AMENDMENTS TO THE BOMET STATUTORY INSTRUMENTS BILL, 2018

CLAUSE	PROPOSED AMENDMENT	JUSTIFICTION
3 (1)	THAT Clause 3 (1) of the Bill be amended by deleting "a" appearing between the words "of" and the word "County" and substituting therefore with "the"	To correct typographical error
4(d)	THAT Clause 4 (d) of the Bill be amended by deleting the words "county assemblies" and substituting therefore with the words "the County Assembly"	To To correct typographical error