

SPECIAL ISSUE

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REPUBLIC OF KENYA

**BOMET COUNTY GAZETTE
SUPPLEMENT**

ACTS, 2014

NAIROBI, 3rd October, 2014

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**THE BOMET COUNTY ASSEMBLY SERVICE
ACT, 2014**

Date of Assent: 21st July, 2014

Date of Commencement: 3rd October, 2014

ARRANGEMENT OF CLAUSES

Clause

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“secretary” includes any other officer when discharging the functions of the secretary;

“Service” means the County Assembly Service established under this Act;

“services and facilities” includes all means by which members of the

County Assembly are officially assisted in performing their legislative duties;

“Speaker” means the Speaker of the County Assembly or, where appropriate, the Deputy Speaker.

PART II – THE COUNTY ASSEMBLY SERVICE

3. (1) The Service shall be an institution of exemplary administrative and technical competence.

Nature of the
County Assembly
Service

(2) Subject to the Constitution, in the performance of their functions, employees of the Service shall not seek or receive directions from any source external to the Service.

(3) Every member of the County Assembly shall respect the non-partisan and apolitical character of the Service and shall not seek to influence employees of the Service in the discharge of their functions.

4. The Service shall uphold the following values—

County Assembly
Service values

- (a) the promotion of democracy and the rule of law;
- (b) the fostering of patriotism, peace and national unity;
- (c) the provision of non-partisan and impartial advice and services to the County Assembly, its committees and its members;
- (d) the maintenance of the highest ethical standards;
- (e) the maintenance of honesty, accountability and integrity in the delivery of services, having regard to the principles of political neutrality, professionalism, economy, efficiency, equality and fairness, courtesy and discipline;
- (f) the provision of a workplace that is free from discrimination, recognizes the diverse

- (g) preserve and protect the environment and national heritage;
- (h) comply with any lawful and reasonable direction given by any person in the Service having authority to give such direction;
- (i) maintain appropriate confidentiality about their dealings with the County Assembly, its committees, its members and its staff (including employees of members, if any);
- (j) disclose, and take reasonable steps to avoid, any conflict of interest (real or apparent) in connection with the Service;
- (k) not provide false or misleading information in response to a request for information that is made for official purposes;
- (l) not make improper use of—
 - (i) any information obtained through or in connection with their office and which is not yet made available to the public; or
 - (ii) their duties, status, power or authority, in order to gain, or seek to gain, a benefit or advantage for themselves or for anyone else;
- (m) conduct themselves in a manner that upholds the letter and spirit of the values and the integrity and good reputation of the Service;
- (n) while on duty outside the County Assembly, conduct themselves in a manner that promotes the good image of Bomet County Assembly; and
- (o) comply with any other requirements of conduct as may be prescribed by the Board.

6. The County Assembly Service values and the County Assembly Service Code of Conduct provided for in sections 4 and 5 shall be in addition to, and not in derogation from, any others that may be specified by or under any other written law in relation to the citizens of Kenya generally.

Complementarity
of values and code
of conduct

- (d) the designation and grades of officers and other staff.

11. (1) The Board—

Social security
scheme

- (a) shall establish a non-contributory pension scheme for all its employees;
- (b) may establish or adopt a contributory optional superannuation, provident or medical fund or other scheme for its employees and may grant pensions, gratuities, retiring allowances or sickness or injury benefits to any employee.

(2) The provisions of this section shall come into operation on such date as the Clerk may, by notice in the *Gazette*, appoint.

12. (1) The chairperson shall convene a meeting of the Board at least once every fortnight.

Quorum

(2) The chairperson may at any time convene a special meeting of the Board, and shall do so within seven days of the receipt by him of a written requisition therefor signed by at least two members.

(3) The quorum for a meeting of the board shall be three members.

(4) A member of the Board other than an *ex officio* member may be removed from office in accordance with section 12 of the County Government Act.

PART IV—THE CLERK AND OTHER STAFF

13. (1) The Clerk shall be—

Status and general
functions of the
Clerk

- (a) the head of the management of the County Assembly Service and secretary to the Board;
- (b) responsible to the chairperson and the Board for the general working and efficient conduct of the business of the Service.

(2) The Board may delegate to the Clerk such of its functions as are necessary to carry out the day to day management of the Service, and subject to such directions as may be given by the Board, to direct and supervise the acts of all employees and agents of the Service.

Provided that the Board may re-engage him on contract for a single term not exceeding two years.

(2) An employee may —

(a) after attaining the age of fifty years, elect to retire from the Service at any time; or

(b) in such manner as may be provided under this Act, resign from the Service at any time.

(3) The Board may, in such manner and for such reasons as may be prescribed under any written law, require an employee to retire from the Service at any time.

PART V—FINANCIAL PROVISIONS

18. (1) There is established a fund to be known as the County Assembly Fund.

County Assembly
Fund

(2) There shall be paid into the Fund—

(a) such moneys as may, from time to time, be provided by the County Assembly;

(b) such moneys as may be borrowed by the Board on such terms and for such purposes as the Board may determine;

(c) any moneys accruing to or received by the Board from any other source.

(3) There shall be paid out of the Fund all payments in respect of any expenses incurred in pursuance of the provisions of this Act.

(4) The Board may, with the approval of the County Assembly signified by resolution, establish such other funds as it may deem necessary.

19. The Board shall open and maintain such bank accounts as are necessary for the exercise of its functions.

Bank accounts

20. (1) At least three months before the commencement of each financial year, the Clerk shall cause to be prepared, estimates of all the expenditure required present such estimates to the for the purposes of this Act for that year and shall Board for review.

Estimates

(2) The Board shall review the estimates forwarded under subsection (1) and may make such alterations thereto

(2) The secretary and such other officers (including persons engaged by the Board, shall, on first appointment, take an oath in the form prescribed in the Second Schedule to this Act.

(3) Where any person required to take an oath has no religious belief or the taking of such oath is contrary to his religious belief, he may make and subscribe a solemn affirmation in the form of the oath appointed substituting the words **“solemnly and sincerely declare and affirm”** for the word **“swear”** and omitting the words **“So help me God”**.

(4) Every oath or affirmation taken by the chairperson shall be administered by the secretary and every oath or affirmation taken by any other member or the secretary shall be administered by the chairperson:

Provided that every oath or affirmation taken by any other officer shall be administered by the secretary.

26. The Board or any committee thereof may, subject to section 28, order any person to attend before it and to give evidence or to produce any paper, book, record or document in the possession or under the control of that person.

Attendance of
witnesses

27. Every person summoned to attend to give evidence or to produce any paper, book, record or document before the Board or a committee thereof shall be entitled, in respect of that evidence or the disclosure of any communication or the production or any paper, book, record or document to the same right or privilege as before a court of law.

Privileges of
witnesses

28. (1) A member or an officer of the Board or any person employed to take minutes or evidence before the Board or any committee shall not give evidence elsewhere in respect of the contents of those minutes or evidence or of the contents of any document laid before the Board or that committee or in respect of any proceedings or examination held before the Board or that committee without special leave first obtained from the chairperson.

Mode of giving
evidence

(2) The special leave referred to in subsection (1) may be given by the vice chairperson in the absence or other incapacity of the chairperson.

influence any decision of the Board or of any member thereof; or

- (e) disobeys any order made by the Board or a committee for attendance or for production of papers, books documents or records; or
- (f) refuses to be examined before, or to answer any lawful and relevant question put by, the Board or a committee, commits an offence and shall be liable on conviction to a fine not exceeding ten thousand shillings, or to imprisonment for a term not exceeding one month, or to both:

Provided that nothing in paragraph (d) of this section shall prohibit any person from giving a certificate or testimonial to any applicant or candidate for the Service or supplying any information or assistance upon formal request made by the Board.

32. (1) The Board may, in such manner as it deems fit, make provision for examinations and appoint such selection, promotion or other committees as it deems necessary for the proper discharge of its functions.

Other committees

(2) A committee appointed under subsection (1) may wholly or in part consist of persons who are not members of the Board.

33. (1) The Board may make regulations for prescribing anything required by this Act to be prescribed and generally for the better carrying out of the purposes of this Act.

Regulations

(2) Without prejudice to the generality of subsection (1), regulations under this Act may provide for—

- (a) the conduct of the business of the Board;
- (b) the administration and management of the services and facilities;
- (c) the terms and conditions of service, pension and other retirement benefits of employees;
- (d) the measures for the discipline of employees;
- (e) the financial procedures of the Board;
- (f) the orientation and training of members of the County Assembly and employees;

SECOND SCHEDULE

[Section 26(2).]

**OATH/AFFIRMATION OF OFFICER OF THE COUNTY
ASSEMBLY BOARD**

I....., being called upon to exercise the function of secretary/ Officer[other] of the Bomet County Assembly Board, do swear/ solemnly and sincerely declare and affirm that I will not directly or indirectly reveal to any unauthorised person or otherwise than in the course of duty the contents or any part of the contents of any document, communication or information whatsoever which may come to my knowledge in the course of my duties as an officer of the Board. SO HELP ME GOD.

Sworn/ Declared by the said

Before me this day of.....

.....

*Chairperson/ Secretary
County Assembly Board.*

