



REPUBLIC OF KENYA  
BOMET COUNTY ASSEMBLY  
SECOND ASSEMBLY – (SECOND SESSION)  
ORDERS OF THE DAY  
TUESDAY 11<sup>TH</sup> DECEMBER, 2018 AT 9.00 A. M

**PRAYERS**

**Determination of Quorum**

1. Administration of oath.
2. Communication from the chair
3. Messages
4. Petitions
5. Papers
6. Notices of motions
7. Statements

**8. \*\*COMMITTEE OF THE WHOLE ASSEMBLY**

The Bomet County Inspectorate, Compliance and Enforcement Bill, 2018 (Bills No. 4 of 2018)  
Chairperson Committee on Administration, Peace, Justice and Legal Affairs

**9. MOTION (THE BOMET COUNTY REVOLVING FUND POLICY, SESSIONAL PAPER NO. 6 OF 2018)**

**(Chairperson Committee on Education, Youth and Sports)**  
**(Hon. Joseph Kellong)**

**THAT** pursuant to Standing Order 193(5), this County Assembly adopts the report of the Committee on Education, Youth and Sports on the Bomet County Revolving Fund Policy, Sessional Paper No. 6 of 2018 and subsequently **Approves** the Bomet County Revolving Fund Policy, Sessional Paper No. 6 of 2018.

**10. \*\* MOTION (THE BOMET COUNTY INTERNSHIP POLICY, SESSIONAL PAPER NO.5 OF 2018)**

**(Chairperson Committee on Labour and Public Service)**  
**(Hon. Charles Langat)**

**THAT** pursuant to Standing Order 193(5), this County Assembly adopts the report of the Committee on Labour and Public Service on the Bomet County Internship Policy, Sessional Paper No. 5 of 2018 and subsequently **Approves** the Bomet County Internship Policy, Sessional Paper No. 5 of 2018.

*\*\*Denotes the Orders of the Day*

THE SECTORAL COMMITTEE ON ADMINISTRATION, PEACE, JUSTICE AND LEGAL AFFAIRS INTENDS TO MOVE THE FOLLOWING AMENDMENTS TO THE BOMET COUNTY INSPECTORATE, COMPLIANCE AND ENFORCEMENT BILL, 2018

N O	CLAUSE	PROPOSED AMENDMENTS	JUSTIFICATION
1.	Clause 2 on interpretation of the word unit	That Clause 2 of the Bill be amended by inserting “(3)” immediately after 4	To reflect on the specific clause where the word unit has been mentioned
2.	Clause 3	<p>That Clause 3(a) of the Bill be amended by deleting the following words <b>“to provide for institutional framework for the enforcement of the County laws; and”</b> and substitute thereof with the following <b>“to deliver an effective and independent inspectorate service within the county that shall among others ensure compliance with county legislations and provisions of the Constitution by county the residents</b></p> <p>(a) That clause 3 of the Bill be amended by inserting the following new paragraphs after paragraph (b) “ (c) To give effect to the provisions of Article 187 of the Constitution that require the county executive committee to implement county legislation</p>	To expound on the objectives of the Bill

		<p>within the county and national legislation to the extent that the legislation so requires; and</p> <p>(b) Establish by law, pursuant to Article 185(2) of the Constitution, an inspection mechanism so as to ensure the effective performance and exercise of the powers conferred on the county government under part two of the Fourth Schedule of the Constitution.</p>	
3.	Clause 4	That clause 4(1) of the Bill be amended by deleting the word “unit” whenever it appears in this sub section and substitute therefore with the word “Service”	Allows for the creation of various units within the Service
4.	Clause 4 4(3)	<p>That Clause 4 of the Bill be amended by inserting the following new sub clauses “ (3) The inspectorate Service shall consist of the following units;</p> <ul style="list-style-type: none"> <li>a) An inspection unit;</li> <li>b) A fire and emergency services unit;</li> <li>c) A disaster and rescue service unit;</li> <li>d) A traffic unit;</li> <li>e) Such other unit as the Board with the approval of the Assembly may</li> </ul>	Allows for the creation of several units within the service which currently are non-existent. For example the department has fire engines but lacks the fire martials

	4(4)	<p>prescribe.</p> <p>(4) All persons who immediately before the commencement of this Act were officers in the enforcement and inspectorate service shall upon commencement of this Act become members of the service in accordance with this Act in such ranks as the Board shall designate.</p>	
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			Saving clause for the current officers serving as enforcement officers
5.	Clause 5(1)	<b>THAT</b> clause 5(1) of the Bill be amended by inserting the following new sub clauses immediately after paragraph (b) (a) Ensure legal compliance with all county revenue collection requirements including cess, royalties, service fee, trade	Enrich the functions of the units to resonate with the objects of the Bill

		<p>licenses, permits and land rates;</p> <p>(b) Regulate and control traffic on county roads, keep order and prevent obstructions in county public places;</p> <p>(c) Offer firefighting and emergency services;</p> <p>(d) Coordinate disaster management;</p> <p>(e) Respond to complaints relating to regulated activities, from residents of the county or persons affected by the regulated activity;</p> <p>(f) Assist the police or any other authority in the investigation of violations of county laws for purposes of preparation for court proceedings;</p> <p>(g) Ensure a clean and safe environment in areas such as food standards, products safety, animal health and welfare based on standards developed by the relevant national and county government entities;</p> <p>(h) Carry out inspections within the County to ensure compliance with set standards in respect of the functions of the County Government as specified under Part 2 of the Fourth Schedule of the Constitution; and</p>	
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6.	Clause 5	<p>That clause 5 of the Bill be amended by inserting the following sub clause (3) A Unit shall, in the performance of its functions under subsection (1)-</p> <ul style="list-style-type: none"><li>(a) keep proper records relating to any enforcement action taken under this act or any other law;</li><li>(b) use specialized equipment approved by the relevant national government entities to determine compliance with county laws on matters such as weights and measures and noise level;</li><li>(c) prepare reports, statements and attend court to give evidence or testimony related to the prosecution of county law offenders; and</li><li>(d) collaborate with the relevant national and county agencies for the conduct of investigations and effective performance of its functions.</li></ul>	Functions of the units
7.	Clause 5	<p>That clause 5 of the Bill be amended by inserting the following sub clause (4) <b>The County Assembly shall allocate adequate funds to enable the inspectorate to</b></p>	Allocation of funds

		perform its functions and the budget of the inspectorate shall be a separate vote.	
8.	Clause 5	That clause 5 of the Bill be amended by inserting the following new sub clause (5) <b>The County Chief officer in charge of inspectorate shall ensure that every unit is allocated sufficient funds to finance its activities.</b>	Sufficient funds
9.		That clause 5 of the Bill be amended by inserting the following new sub clause <b>(6) The inspectorate shall establish and maintain an inspector training institution for purposes of training and retraining of its officers. in accordance with training curriculum.</b>  (a) Training in the institution referred to in subsection (6) shall be conducted in accordance with the training curriculum  (b) The inspectorate may collaborate with other training institutions to provide training to its officers.  (c) The Board shall develop guideline on the curriculum, examination and certification of inspectorate trainees	Provision of atraining institution
10	Clause 5	That clause 5 of the Bill be amended by inserting the following sub clause	Oath of office



		(7) An inspectorate officer shall upon being enlisted make and sign before an officer authorized by law to administer oath in English or <i>Swahili</i> .	
11	Clause 5	That clause 5 Bill be amended by inserting the following sub clause (8) <b>No member of the inspectorate unit shall engage in any trade, business or employment, if the trade, business or employment is in conflict of interest with the performance of the inspectorate officer’s duties.</b>	Conflict of Interest
12	Clause 6	That clause 6 (1) and (2) Bill be amended by deleting the following word “ <b>unit</b> ” whenever it appears and substituting therefore with the following word “ <b>service</b> ”	
13	Clause 6	That clause 6 (2) of the Bill be amended by inserting the following sub paragraphs (b) <b>uphold the principle that not more than two-thirds of the appointments shall be of the same gender; and</b> (c) <b>Ensure equity of opportunity amongst all the wards in the County.</b>	Two thirds gender rule provision
14	Clause 8	That clause 8 (2) of the Bill be amended by inserting the following paragraph (e) <b>A representative from the County Human Resource Department;</b>	Provision of human resource personnel

15		That clause 10 (1) of the Bill be amended by inserting the following words between the words “ <b>the</b> ” and “ <b>disciplinary</b> ” “ <b>County Public Service Board upon the recommendation of the</b> ”	Typographical error
16	Clause 10	That clause 10 (1) of the Bill be amended by deleting the words High Court and substituting therefore with the words “ <b>Public Service Commission</b> ”	
17	Clause 10(2)	That clause 10 (2) of the Bill be deleted  That clause 10 (3) of the Bill be renumbered as clause 10(2)	
18	Clause 17	<b>THAT</b> clause 17 of the Bill be amended by deleting the entire clause and substituting therefore with the following “(1) <b>An enforcement officer shall produce a service identity document when exercising a power under this Act or any other law.</b>  (2) <b>A uniform worn by enforcement officers shall be embedded with distinctive identification to ensure that the enforcement officer is—</b>  <b>(a) distinguishable from non-law enforcement personnel;</b> <b>and</b>  <b>(b) easily recognized by the public as an enforcement officer</b>	

19		<p><b>THAT</b> clause 27 of the Bill be amended by inserting the following new paragraphs immediately after paragraph (b)</p> <ul style="list-style-type: none"> <li>(c) <b>Prescribe the administrative organization of the inspectorate service</b></li> <li>(d) <b>Describe, the wearing, issuing of uniform, accoutrements and necessities by the inspectorate;</b></li> <li>(e) <b>Monitor and evaluate the performance of the functions of the inspectorate;</b></li> <li>(f) <b>Facilitate the involvement of the public in the activities of the inspectorate;</b></li> <li>(g) <b>Establish an inspectorate reform unit for ensuring continuous and sustainable inspectorate reforms</b></li> <li>(h) <b>generally for the good order and management of the Inspectorate;</b></li> <li>(i) <b>the penalties and disciplinary procedures applicable to Inspectorate officers who commit any of the offences against discipline set out in the Second Schedule.</b></li> </ul>	Powers of the CECM to make regulations
20	Schedule	That the Bill be amended by inserting a new schedule 2	To provide for the oath of office and oath of secrecy

SECOND SCHEDULE

OATH/AFFIRMATION OF OFFICE

“I .....do swear /do solemnly and sincerely affirm that I’ll be faithful and bear true allegiance to the Constitution and the Governor of Bomet County during my .....without favour or affection, malice or ill will; that I will at all times do my utmost to reserve the peace and prevent offences against the peace; that while I shall continue to hold the said office; to the best of my skill and knowledge, discharge all duties thereof faithfully according to law; I will subject myself to the Constitution, all Acts, orders rules now or in the future within the jurisdiction of the Inspectorate and that I will discharge my duties and the duties of the Inspectorate according to law without fear, favour, affection or ill will. (So help me God)

OATH/AFFIRMATION OF SECRECY

I.....  
(full names) DO HEREBY SWEAR BY THE ALMIGHTY GOD/SOLEMNLY AND SINCERELY AFFIRM THAT I will not, without due authority, disclose or make known to any person any information acquired by me by reason of the duties performed by me on behalf or under the direction of the Inspectorate or by reason of any office or employment held by me pursuant to the Bomet County Inspectorate, Compliance and Enforcement Act.SO H ELP MEGOD.

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SECOND SCHEDULE (s.27 (i))

OFFENCES AGAINST DISCIPLINE

1. It shall be an offence against discipline for any inspectorate officer to-
- (a) unlawfully strike, or use or threaten violence against any inspectorate officer or any other person;
  - (b) use any obscene, abusive or insulting language in any form to any Inspectorate officer;
  - (c) uses threatening or Insubordinate or disrespectful language, word, act or demeanor to an Inspectorate officer senior to him in rank;
  - (d) cause a disturbance in any inspector premises;
  - (e) be drunk while on duty;
  - (f) drink intoxicating liquor or psychotropic substances or drugs, or smoke in uniform when actively engaged on duty in a public place ;
  - (g) willfully disobey any lawful command or order;
  - (h) absent himself without leave;
  - (i) be found sleeping while on duty;
  - (j) leave his post or place of duty before he/she is regularly relieved, except in fresh pursuit of an offender who it is his/her duty to apprehend;
  - (k) while under arrest or in detention, leave or escape from such arrest or detention before he/she is set at liberty by proper authority;
  - (l) neglect or refuse to assist in the apprehension of any inspectorate officer charged with any offence, when lawfully ordered so to do;
  - (m) resist any lawful arrest;
  - (n) without reasonable cause, fail to attend at any parade, instruction class or court or any other duty which he is required to attend;

- (o) sell, pawn, lose by neglect, make away with or willfully or negligently damage, or fail to report any loss or damage to, any arm, ammunition, accoutrement, uniform or other article of personal issue or any vehicle or other property committed to his charge belonging to the County Government or for which the Government is responsible; or be in improper possession of any public or private property ;or commit any act of plunder or wanton destruction of any property;
- (p) be negligent in the performance of his duty;
- (q) appear on duty untidy or dirty in his/her person, arms, clothing or equipment;
- (r) make or sign any false statement in any document or official record;
- (s) without proper authority, disclose or conveys any information concerning any inspection or any inspectorate manner;
- (t) feign any disease or infirmity;
- (u) without proper authority demands or exacts from any person any carriage, portage or provisions;
- (x) commit an act which amounts to corruption by under of any law in force in Kenya;
- (y) make any false statements upon joining the Inspectorate; or
- (z) refuse or neglect to make or send any report or return which it is his/ her duty to make or send; or
- (aa) knowingly make any false accusation or complaint or statement against any inspectorate officer or other person, affecting the character of such person, or willfully suppress any material fact.