

SPECIAL ISSUE

Kenya Gazette Supplement No. 6 (Tana River County Acts No. 3)



REPUBLIC OF KENYA

KENYA GAZETTE SUPPLEMENT

TANA RIVER COUNTY ACTS, 2017

NAIROBI, 16th October, 2017

CONTENT

Act—

PAGE

The Tana River County Petition to County Assembly (Procedure) Act, 2017 1

**THE TANA RIVER COUNTY PETITION TO COUNTY
ASSEMBLY (PROCEDURE) ACT, 2017**

No. 3 of 2017

Date of Assent: 25th May, 2017

Date of Commencement: See Section 1

ARRANGEMENT OF SECTIONS

Section

PART I — PRELIMINARY

- 1—Short title and commencement
- 2—Interpretation
- 3—Objects and purposes of this Act
- 4—Form of petition
- 5—Procedure for presenting petition
- 6—Consideration of petition
- 7—Register of petitions

PART II — MISCELLANEOUS

- 8—Rules

SCHEDULE

**THE TANA RIVER COUNTY PETITION TO
COUNTY ASSEMBLY (PROCEDURE) ACT, 2017**

AN ACT of the County Assembly of Tana River to give effect to Section 15 of the County Governments Act on the right to petition County Assembly; to make provision for the procedure for the exercise of the right pursuant to that Section; to enhance public participation in the parliamentary and legislative process and for connected purposes

ENACTED by the County Assembly of Tana River, as follows—

PART I — PRELIMINARY

1. This Act may be cited as the Tana River County Petition to County Assembly (Procedure) Act, 2017 and shall come into operation upon its publication in the *Gazette*.

Short title and
commencement.

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

Interpretation.

“Clerk” means the Clerk of the County Assembly of Tana River;

“petition” means a written prayer to County Assembly under Section 15 of the County Governments Act made in accordance with this Act;

“petitioner” means a person who petitions County Assembly under Section 15 of the County Governments Act, in accordance with the procedure set out in this Act;

“Register” means the register maintained by the Clerk under section 7 of this Act; and

“Speaker” means the Speaker of the County Assembly of Tana River.

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

Objects and purposes
of this Act.

- (a) establish a legislative procedure for the exercise of the right to petition County Assembly;
- (b) enhance public participation in the parliamentary and legislative process.

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

Form of petition.

2017 *Tana River County Petition to County Assembly (Procedure)* No. 3

- (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) indicate whether any efforts have been made to have the matter addressed by a relevant body and whether there has been any response from that body or whether the response has been unsatisfactory;
- (g) indicate whether the issues in respect of which the petition is made are pending before any court of law 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) be signed by the petitioner, or if the petitioner is unable to sign, by a witness in whose presence the petitioner shall make his or her mark on the petition.

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

Procedure for
presenting petition.

- (a) submitted to the Clerk by the petitioner; or
- (b) presented by a member of the County Assembly on behalf of a petitioner, with the consent of the Speaker.

(2) Notwithstanding section 5(1)(b), a member of the County Assembly shall not be eligible to present a petition on his 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. The Clerk shall, if satisfied that the petition meets the requirements of this Act, forward the petition to the Speaker for tabling in the House.

Consideration of
petition.

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

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

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

Register of petitions.

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

PART II — MISCELLANEOUS

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

Rules.

SCHEDULE**FORM OF PETITION****Section 4****I/We the undersigned,**

(Here, identify in general terms, who the petitioner or petitioners are, for example, citizens of Kenya, residents of sub-county, constituency, ward or village, workers of industry, etc.)

DRAW the attention of the House to the following:

(Here briefly state the reasons underlying the request for the intervention of the House by outlining the grievances or problems by summarizing the facts which the petitioner or petitioners wish the House 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.]

HEREFORE your humble petitioner(s) Pray that County Assembly—

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

And your PETITIONER(S) will ever Pray.

<i>Name of petitioner</i>	<i>Full Address</i>	<i>National ID. or</i>	<i>Signature or</i>	<i>Passport No. Thumb</i>
				<i>impression</i>
.....				
.....				
.....				
.....				

(Subsequent Pages)

PETITION concerning.....
 (Here, repeat the summary in first page)

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