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TANA RIVER COUNTY ACTS, 2022

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ACT, 2022**

No. 7 of 2022

Date of Assent: 2nd December, 2022

Date of Commencement: 2nd December, 2022

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**THE TANA RIVER COUNTY SOLID WASTE MANAGEMENT
ACT, 2022**

AN ACT of the County Assembly of Tana River to provide provide for solid waste disposal, to give effect to subparagraph 2(g) of part 2 of the Fourth schedule of the Constitution; to establish the institutional framework for management of solid waste; and for connected purposes

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

PART I — PRELIMINARY**Short title**

1. This Act may be cited as the Tana River County Solid Waste Management Act, 2022.

Interpretation

2. In this Act, —

“Board” means County Solid Waste Management Board established under Section 13;

“County Director of Environment” refers to the County Director of Environment in charge of the National Environment Management Authority County office;

“County Executive Committee Member” means the County Executive Committee Member responsible for matters relating to solid waste management;

“Director” refers to the Director in charge of matters relating to health;

“Government” means the County Government of Tana River; and

“solid waste” includes—

- (a) solid waste;
- (b) cown solid waste;
- (c) agricultural and animal waste;
- (d) construction and demolition waste;
- (e) treatment waste; and
- (f) medical waste.

Objects and Purposes of the Act

3. The objects and purpose of this Act is to—

- (a) establish the institutional framework necessary for purposes of ensuring efficient solid waste management in the county;
- (b) promote an environmentally friendly county that reduces health risks associated with solid waste;
- (c) encourage citizens to take responsibility for their environment;
- (d) put in place a mechanism of effective public awareness on issues related to solid waste and its management; and
- (e) generally, give effect to Article 42 of the Constitution in order to secure an environment that is clean and healthy.

PART II — RIGHTS AND RESPONSIBILITIES ON SOLID WASTE

Application of the Act

No. 8 of 1999

4. This Act shall apply concurrently with the Environmental Management and Co-ordination Act and other national laws relating to solid waste.

General duty of the County

5. In fulfilling the rights contained in Article 42 of the Constitution, the government, shall—

- (a) put in place measures that seek to reduce the amount of waste that is generated; and
- (b) where waste is generated, ensure that waste is re-used, recycled and recovered in an environmentally sound manner before being safely treated and disposed of.

Right to clean environment

6. (1) Every person within the county—

- (a) is entitled to a clean and healthy environment which is free from solid waste; and
- (b) has a duty to safeguard and enhance the quality of the environment.

(2) The public has a duty to ensure safe disposal of solid waste.

Government responsibilities

7. (1) Solid waste shall be a shared responsibility amongst all actors including the government, waste generators, owners and occupiers of premises and contracted service providers.

(2) The government shall put in place measures to ensure safe dumping of solid waste.

(3) The government shall implement programs to ensure public awareness on matters relating to solid waste.

Co-operation

8. Every person has a duty to co-operate with Government organs and other persons to protect the environment from solid waste.

Burning of solid waste

9. Solid waste shall only be burned according to the conditions set in the licence issued under this Act.

Designated dump sites and land fields

10. (1) The Government shall designate dumpsites and land fields for solid waste.

(2) Solid waste shall only be disposed of in the designated land fields and dumpsites.

Collaboration

11. The government shall ensure safe disposal of solid waste through collaboration with institutions and stakeholders including —

- (a) solid waste disposition companies and agencies;
- (b) civil societies organisations conducting advocacy on waste;
- (c) national environment management authority; and
- (d) national government institutions.

General duty in respect of solid waste management

12. (1) A holder of solid waste must, within the holder's power, take all reasonable measures to—

- (a) avoid the generation of solid waste and where such generation cannot be avoided, to minimise the toxicity and amounts of solid waste that are generated;
- (b) reduce, re-use, recycle and recover solid waste;
- (c) where solid waste must be disposed of, ensure that the solid waste is treated and disposed of in an environmentally sound manner;
- (d) manage the solid waste in such a manner that it does not endanger health or the environment or cause a nuisance through noise, odour or visual impacts;

- (e) prevent any employee or any person under his or her supervision from contravening the provisions of this Act; and
 - (f) prevent the waste from being used for an unauthorised purpose.
- (2) A person who sells a product that may be used by the public and that is likely to result in the generation of hazardous solid waste must take reasonable steps to inform the public of the impact of that solid waste on health and the environment.
- (3) The measures contemplated in this Section may include measures to—
- (a) investigate, assess and evaluate the impact of the solid waste in question on health or the environment;
 - (b) cease, modify or control any act or process causing the pollution, environmental degradation or harm to health;
 - (c) comply with any norm or standard or prescribed management practise;
 - (d) eliminate any source of pollution or environmental degradation; and
 - (e) remedy the effects of the pollution or environmental degradation.

PART III — INSTITUTIONAL MANAGEMENT

Establishment of the Board

13. There is established a Board to be known as the Solid Waste Management Board which shall comprise of—

- (a) the County Executive Committee Member in the department responsible for matters relating to health who shall be the chairperson;
- (b) the Director in charge of matters relating to health who shall be the secretary;
- (c) the Chief Officer in the department responsible for matters relating to health;
- (d) a representative of the National Environment Management Authority County office who shall be appointed by the National Environment Management Authority County Director of Environment;
- (e) a representative of the private sector who shall be appointed by the County Executive Committee member with the approval of the County Assembly; and

- (f) a representative of non-governmental organisations dealing with solid waste management who shall be appointed by the County Executive Committee member with the approval of the County Assembly.

Functions of the Board

14. The Board shall—

- (a) develop county solid waste management framework;
- (b) implement solid waste management plans;
- (c) ensure that solid waste is collected, stored, transported, recycled, reused or disposed of in an environmentally sound manner;
- (d) promote safety standards in relation to solid waste;
- (e) promote public awareness on the importance of efficient solid waste management;
- (f) ensure a coordinated, efficient, effective and consultative approach in the management of solid waste;
- (g) foster understanding of the importance of efficient solid waste management to the conservation, protection and proper use of the environment;
- (h) advise the County Government on matters of general policy;
- (i) grant approvals and licenses for solid waste disposal; and
- (j) perform any other functions as may be necessary for the implementation of this Act.

Duties of the Secretary

15. The Secretary shall—

- (a) be responsible for implementing the decisions of the Board;
- (b) be responsible for the day to day administration, management of the activities of the Board;
- (c) be responsible for keeping records on behalf of the Board;
- (d) be the custodian of all the records of the Board; and
- (e) perform any other functions as may be necessary for the implementation of this Act.

Staff of the Board

16. The County Public Service Board may, upon request by the County Executive Committee member, second to the Board such staff as may be necessary for the proper implementation of this Act

Oath or affirmation of office

17. The members of the Board shall, before assuming office, take and subscribe to the oath or solemn affirmation of office prescribed in the First Schedule.

Term of office

18. A member of the Board appointed under Section 13 paragraphs (e) and (f), shall be appointed for a term of three years and may be re-appointed for another one and final term of three years.

Remuneration

19. The members of the Board shall be paid such allowances and benefits as the County Public Service Board shall, on the advice of the Salaries and Remuneration Commission, determine.

Removal from office

20. (1) A member of the Board appointed under Section 13 paragraphs (e) and (f), may be removed from office for—

- (a) inability to perform the functions of the office arising out of physical or mental incapacity;
- (b) gross misconduct;
- (c) incompetence or negligence of duty;
- (d) bankruptcy;
- (e) in any particular case, failure to declare his or her interest in any matter being considered or to be considered by the Board; or
- (f) absence from three consecutive meetings of the Board without reasonable explanation.

(2) A member of the Board appointed under Section 13 paragraphs (e) and (f), may be removed from office on any of the grounds in Subsection (1) by—

- (a) the County Executive Committee Member;
- (b) the Board, supported by the vote of at least two-thirds of the members of the Board; or
- (c) a petition by the residents of the county, to the County Executive Committee Member.

No. 7

(3) Before a member is removed from office under Subsection (2), the member shall be given opportunity to provide a defence against any of the allegations against him or her.

Vacation of office

21. (1) A person shall cease to be a member of the Board if that person—

- (a) resigns in writing to the appointing authority;
- (b) is convicted of a criminal offence and sentenced to a term of imprisonment of not less than six months;
- (c) is declared bankrupt;
- (d) is unable to perform the functions of his or her office by reason of mental or physical infirmity;
- (e) ceases to be a member of the nominating body;
- (f) ceases to hold office; or
- (g) dies.

(2) The provisions of subsection (1) (a) shall only apply to persons appointed under paragraphs (e) and (f) of Section 13.

(3) The provisions of subsection (1) (f) shall only apply to persons appointed under paragraphs (a), (b), and (c) of Section 13.

(4) The provisions of subsection (1) (e) shall only apply to persons appointed under paragraphs (e), and (f) of Section 13.

Filling of vacancy

22. Where a vacancy occurs in the membership of the Board under Section 20 or 21, the vacancy shall be filled in accordance with the provisions of this Act.

Conduct of Board

23. The business and affairs of the Board shall be conducted in accordance with the Second Schedule.

Protection from personal liability

24. No matter or thing done by a member or any officer, employee or agent of the Board or other office established under this Act shall, if the matter or thing is done in good faith while executing the functions, powers or duties conferred by this Act, render the member, officer, employee or agent personally liable for any action, claim or demand whatsoever.

PART IV — REGISTRATION AND LICENCING**Solid waste management licencing**

25. (1) A person shall not maintain or operate a solid waste management establishment unless that person is registered and licensed in accordance with the provisions of this Act.

(2) A person who contravenes the provisions of Subsection (1) commits an offence and is liable, on conviction, to a fine not exceeding two million shillings or to imprisonment for a term not exceeding four years, or to both fine and imprisonment.

Application for licence

26. (1) A person who—

- (a) operates or proposes to operate a solid waste disposal facility;
- (b) provides or proposes to provide solid waste collection or transfer services; or
- (c) otherwise manages solid waste,

shall apply in the prescribed form and manner to the Board for the appropriate licence.

(2) An application for a waste management licence must be accompanied by—

- (a) the prescribed processing fee; and
- (b) such documentation and information as may be reasonably required by the Board.

(3) Where the Board thinks necessary it may require an applicant for a licence to furnish such additional information or document as the board may specify.

Objection to an application for licence

26. (1) A person may lodge objection to an application with the Board.

(2) Every objection to an application shall be made in writing to the Board, and the objector shall, at least seven days before the hearing of the application, serve the applicant with a copy of the objection together with the grounds of the objection.

(3) The Board may take notice of any matter or thing which, in the opinion of the Board, constitutes an objection to an application, whether or not any objection has been otherwise lodged.

(4) An objector may appear personally or by an advocate at the hearing of the application.

Consideration of an application

27. The Board shall within twenty-one days after the date of receiving the application consider the application and examine the applicant to ascertain whether all conditions and requirements under this Act are met.

Grant of licence

28.(1) After considering the application under section 28, the Board shall indicate its decision in writing.

(2) Where the Board has no objection to the application, the Board shall grant a licence to the applicant upon payment of the prescribed fee.

(3) The Board shall prescribe the fees payable for the issue of licences under this Act.

(4) The licence issued shall be in such form as may be prescribed and subject to such conditions as the Board may consider fit.

(5) Every licence shall specify the premises upon which the business specified in the licence may be carried on.

(6) The Board shall not refuse to issue a licence to an applicant under this Act without reasonable and justifiable cause.

(7) Where the Board is not satisfied with the application under subsection (1), the Board may—

- (a) reject the application giving reasons and notify the applicant accordingly within thirty days of the decision to reject; or
- (b) make comments and recommendations thereon and return it to the applicant within thirty days.

(8) The applicant to whom the application is returned under Subsection (7) (b) may re-submit a revised application within six months of the date of notification.

(9) On receipt of any revised application under Subsection (8), the Board shall, within three months determine the application in accordance with this Act and upon such determination, if satisfied, issue a licence.

(10) Where the Board grants a licence under this section it shall, publish the grant in the *Gazette* and on the county website.

Non-transferability of licence

30. A licence granted under this Act shall not be transferable.

Validity of licence

31. Every licence issued shall be valid for only one year.

Register of licences

32. The Director shall keep and maintain a register of all licences issued under this Act.

Renewal of licence

33. (1) An application for the renewal of a licence under this Act shall be made to the Board not later than the first day of the last month in which the current licence is due to expire.

(2) Despite subsection (1), a late application may be made upon payment of a late application fee as may be prescribed by the Board.

Conditions of a licence

34. (1) A licence issued under this Act shall be subject to such conditions as the Board may determine and as specified in the licence.

(2) The Board may, at any time, during the validity of a licence—

- (a) vary the conditions of the licence; or
- (b) impose further conditions on the licence.

Revocation, alteration or suspension of licence

35. The Board may revoke, alter or suspend a licence issued under this Act, if—

- (a) an offence under this Act or in respect of the licenced activity under any other written law, has been committed by the licence holder or any employee of the licence holder; or
- (b) a condition of the licence has been contravened or not complied with.

Appeals

36. An applicant for or the holder of a licence who is aggrieved by a decision of the Board on—

- (a) the grant, refusal, renewal, variation or revocation; or
- (b) the conditions imposed on the grant, renewal or variation, of a licence;

(c) may appeal to the County Executive Committee Member.

PART V— SPECIAL PROVISIONS IN RELATION TO LITTER

Littering

37. (1) An owner of privately-owned premises to which the general public has access, must ensure that—

- (a) sufficient containers or places are provided to contain litter that is discarded by the public; and
- (b) the litter is disposed of before it becomes a nuisance, a ground for a complaint or causes a negative impact on the environment.

(2) No person may—

- (a) throw, drop, deposit, spill or in any other way discard any litter into or onto any public place, land, stream, watercourse, street or road, or on any place to which the general public has access, except in a container or a place specifically provided for that purpose; or
- (b) allow any person under that persons control to do any of the acts contemplated in paragraph (a).

Power of the Board in relation to litter

38. (1) The Board shall provide and maintain in public places such number of receptacles for the deposit of litter as the Board considers necessary.

(2) The Board may—

- (a) designate any area in any public place as a litter collection area;
- (b) designate as litter wardens, for the purposes of this Act, persons who, by training or experience, are, in its opinion, qualified to be so designated;
- (c) determine the nature and type of litter which shall be deposited in any receptacle or in any litter collection area; and
- (d) determine the time, place or circumstances in which litter may be deposited in any litter collection area.

Power of the Board to enforce removal of litter

39. (1) Without prejudice to any proceedings for offence under Sections 47, 48 or 50, where litter is left or caused to be left in any public place or on private premises in such circumstances as to cause, contribute to or tend to the defacement thereof, the Board may act in accordance with Subsection (2).

(2) The Board may, subject to Subsection (3), give notice, either orally or in writing, to—

- (a) the person leaving or causing the litter to be left on any public place or private premises; or
- (b) the owner or occupier of such place or premises; or
- (c) the person having control or responsibility for the place or premises, requiring him or her to remove the litter in such manner as to restore the premises to a condition satisfactory to the Board.

(3) A notice under Subsection (2) shall require the litter to be removed—

- (a) immediately, in the case of dead animals, carrion or other litter considered by the Board to be dangerous to health or life; or
- (b) in any other case, within such time as may be limited by the notice, not being less than three days.

(4) A notice under Subsection (2) may be served on a person either personally or by being sent by post to his or her last known business or private address or may be posted up in some conspicuous position on the premises on which the litter has been left.

(5) A person who fails to comply with the requirements of a notice under Subsection (2) commits an offence and shall be liable on conviction to a fine not exceeding one hundred thousand shillings.

(6) Subject to Subsection (7), the Board may, without prejudice to its right to take action under subsection (2), by its officers and servants, enter the premises and remove the litter or restore the premises to a condition satisfactory to the Board.

(7) The Board shall be entitled to recover from the person notified under Subsection (2), the costs and expenses incurred by it pursuant to Subsection (6), as civil debt in Court for the parish in which the place is, or premises are, situated.

PART VI — GARBAGE COLLECTION AND DISPOSAL

Public garbage collection

40. The Board shall make provision for the adequate collection and disposal of all household garbage, refuse and waste.

Private garbage collection

41. No private solid waste collection service, scavenging service or solid waste disposal service may be initiated or carried on without the written approval of the Board.

PART VII — OFFENCES AND PENALTIES**Offence by a person in use of a vehicle that is used to transport solid waste**

42. A person who is in control of a vehicle, or in a position to control the use of a vehicle, that is used to transport solid waste for the purpose of offloading that solid waste, commits an offence if that person—

- (a) fails to take all reasonable steps to prevent spillage of solid waste or littering from the vehicle;
- (b) intentionally or negligently causes spillage or littering from the vehicle;
- (c) disposes of solid waste at a facility which is not authorised to accept such solid waste; or
- (d) fails to ensure that solid waste is disposed of at a facility that is authorised to accept such solid waste.

Unauthorised disposal

43. No person may—

- (a) dispose of solid waste, or knowingly or negligently cause or permit solid waste disposed of, in or on any land, water body or at any facility unless the disposal of that solid waste is authorised by law; or
- (b) dispose of solid waste in a manner that is likely to cause pollution of the environment or harm to human health.

Giving false or misleading information

44. A person commits an offence if that person knowingly gives false or misleading information in any application made in terms of this Act.

Interference with disposal facility

45. A person who—

- (a) unlawfully removes any solid waste from a disposal facility or from any place under the control of the Board; or
- (b) interferes or tampers with any disposal facility or anyplace where solid waste is stored or kept by the Board,

commits an offence and shall be liable on conviction to a fine not exceeding one hundred thousand shillings or to imprisonment for a term not exceeding one year or to both such fine and imprisonment.

Operating disposal facility without licence

46. A person who—

- (a) disposes of solid waste in any area or in any manner not approved by the Board; or
 - (b) operates a solid waste disposal facility, provides solid waste collection or transfers services or otherwise manages solid waste, without a valid licence under this Act; or
 - (c) impedes in any manner the collection and disposal of solid waste,
- commits an offence and shall be liable on conviction, to a fine not exceeding five hundred thousand shillings or to imprisonment for a term not exceeding two years or to both such fine and imprisonment.

Littering public place

47. (1) A person commits an offence if he or she—

- (a) throws, drops or otherwise deposits and leaves any litter in any public place; or
- (b) erects, displays, whether by writing, marking or otherwise; deposits or affixes anything in a public place or on any building, wall, fence or structure abutting or adjoining a public place, in such circumstances as to cause, contribute to or tend to the defacement of that place, building wall, fence or structure, as the case may be.

(2) Where any person, on behalf of some other person employing or recruiting him or her for the purpose, does any act in contravention of Subsection (1) (b), the person employing or recruiting him or her also commits an offence unless he or she proves that the act done was contrary to his or her express instructions and that the act, if performed as instructed, would not have been in contravention of this Section.

(3) In any proceedings under this Section, it shall be a defence to prove that the act that is the subject matter of the proceedings was authorised by law or was done with the consent of the owner or occupier or other person having control of the public place or building, wall, fence or structure, as the case maybe.

Littering private place without consent

48. A person who throws, drops or otherwise deposits or leaves any litter in any premises owned or occupied by another person without the consent of that other person, commits an offence.

Breaking bottles in a public place

49. A person who willfully breaks any bottle or any glass or any article made of glass in or on any public place without lawful authority or reasonable excuse commits an offence and shall be liable, on conviction, to a fine not exceeding one fifty thousand shillings or to a term of imprisonment not exceeding three months or to both.

Offence of burning

50. No burning shall occur at a solid waste management facility unless—

- (a) the burning is done in an area that is—
 - a. constructed with a fire break;
 - b. located so that it is separated from disposal operations, storage compounds, or buildings; and
 - c. supervised at the time of burning; and
- (b) the person responsible for the solid waste management facility has notified the department of health, all adjoining property owners, the Board and the local fire department of his or her intention to burn and the date on which the proposed burning is to take place at least seven days prior to the date of burning.

General penalty

51. A person who contravenes any provision of this Act for which no other penalty is prescribed, commits an offence and is liable, on conviction, to a fine not exceeding one million shilling or to a term of imprisonment not exceeding two years or to both.

PART VIII — FINANCIAL PROVISIONS**Annual estimates**

52. At least three months before the commencement of each financial year, the Board shall prepare and forward its budget estimates to the County Executive Committee for approval and inclusion in the county budget.

Annual report

53. (1) The Board shall, at the end of each financial year prepare an annual report on matters relating to solid waste.

(2) The report prepared under Subsection (1) shall be submitted to the County Executive Committee and the County Assembly, within three months after the end of the year to which such report relates.

(3) The submission of the report shall be done by the Chairperson of the Board.

PART IX — PROVISIONS ON DELEGATED POWERS**Regulations**

54. The County Executive Committee Member, in consultation with the Board, shall, within ninety days, make regulations prescribing—

- (a) forms of applications, notices, licences and other documents for use under this Act;
- (b) fees payable under this Act; and
- (c) the procedure for appeal against a decision of the Board under Section 35.

SCHEDULES

[Section 17]

FIRST SCHEDULE

**OATH OR AFFIRMATION OF CHAIRPERSON OR MEMBER OF
THE BOARD**

I having been appointed as Chairperson/Member of the Solid Waste Management Board, do swear/solemnly affirm that I will without fear or favour, affection or ill-will, discharge the functions of the office of Chairperson/Member of the Board, and that I will not, directly or indirectly, reveal any matter relating to such functions to unauthorised persons or otherwise in the course of duty.

So, help me God.

Signed

Sworn/Declared before me this day of 20.....

Before me

Judge/ Magistrate/ Commissioner of Oaths

SECOND SCHEDULE*[Section 23]***CONDUCT OF BUSINESS AND AFFAIRS OF THE BOARD****Meetings of the Board**

1. (1) The Board shall hold such number of meetings at such places and at such times as it shall consider necessary for the proper discharge of its functions, or in the absence of such decision if the chairperson decides that a meeting is necessary, on a date and at a time determined by the chairperson

(2) Notwithstanding Subparagraph (1), the Board shall meet at least once in every three months to conduct the business of the Board.

(3) At least fourteen days' notice shall be given prior to any meeting of the Board

Special meetings

2. The Chairperson may on his or her own motion, or upon request by a member, call a special meeting of the Board at any time, where the chairperson considers it expedient for the transaction of the business of the Board by giving not less than seven days' notice to the members by the chairperson or where appropriate by the secretary.

Presiding at meetings

3. (1) The Chairperson shall preside at all meetings of the Board.

(2) In the absence of the Chairperson at a meeting, the vice-chairperson shall preside at that meeting of the Board.

(3) In the absence of the Chairperson and the Vice Chairperson at a meeting, the members present shall elect a member to preside at that meeting of the Board.

Quorum

4. The quorum at a meeting of the Board shall be at least two thirds of the members of the Board.

Decision making

5. (1) The matters of the Board shall be decided by a majority of the members present and voting.

(2) In the event of equality of votes, the person presiding shall have a casting vote.

Validity of proceedings

6. The proceedings of the Board shall not be invalidated by reason of a vacancy among the members or a defect in the appointment or qualification of a member.

Minutes

7. (1) Minutes of the proceedings at meetings of the Board shall be kept in such a manner, as the County Executive Committee Member shall direct.

(2) The minutes of the meetings of the Board shall be available to the County Executive Committee Member or to a person nominated by the County Executive Committee Member, on the request of the County Executive Committee Member.

Committees of the Board

8. The Board may establish such committees as may be necessary for the performance of its functions.

Self-regulation

9. Subject to the provisions of this Schedule, the Board shall regulate its own procedure.

Attendance by non-members

10. The Board may invite any person to attend any of its meetings and to participate in its deliberations, but that person shall not vote on any matter requiring decision of the Board.

Code of conduct

11. Within six months of the commencement of this Act, the Board shall establish a code of conduct, applicable to all members of staff of the Board and justifiable for purposes of disciplinary proceedings, to ensure—

- (a) compliance with applicable law;
- (b) the effective, efficient and economical use of the Board's resources;
- (c) the effective, efficient and economical use of funds;
- (d) the promotion and maintenance of a high standard of professional ethics;
- (e) the prevention of conflicts of interest; and
- (f) the assistance of confidential information held by the Board.

Conflict of interest

12. (1) A member or employee of the Board shall be considered to have a conflict of interest for purposes of this Act, if the member or employee acquires any pecuniary or other interest that could conflict with the proper performance of the members' or employees' duties as a member or employee of the Board.

(2) If at any time a member or employee of the Board has a conflict of interest in relation to any matter before the Board for consideration or determination or any matter the Board could reasonably expect might come before it for consideration or determination, the member or employee shall immediately disclose the conflict of interest to the other members of the Board and refrain from taking part, or any further part, in the consideration or determination of the matter.

(3) Where the Board becomes aware that a member or employee has a conflict of interest in relation to any matter before the Board, the Board shall direct the member or employee to refrain from taking part, or taking any further part in the consideration or determination of the matter.

(4) Upon the Board becoming aware of any conflict of interest, it shall make a determination as to whether in future the conflict is likely to interfere significantly with the proper and effective performance of the functions and duties of the member or employee or the Board and the member with the conflict of interest shall not vote on this determination.

(5) Where the Board determines that the conflict is likely to interfere significantly with the member's proper and effective performance as provided for in paragraph (5), the member shall vacate office as a member of the Board unless the member has eliminated the conflict to the satisfaction of the Board within thirty days of the declaration of the conflict of interest.

(6) The Board shall report to the County Executive Committee Member any determination by the Board that a conflict is likely to interfere significantly with performance as above and whether or not the conflict has been eliminated to the satisfaction of the Board.

(7) The annual report of the Board shall disclose details of all conflicts of interest and determinations arising during the period covered by the report.

(8) The Board shall cause minutes of all resolution and proceedings of meetings of the Board to be entered in books kept for that purpose.