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KAKAMEGA COUNTY ACTS, 2019

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**THE KAKAMEGA COUNTY YOUTH SERVICE AND WOMEN
EMPOWERMENT ACT**

No. 5 of 2019

Date of Assent: 21st December, 2018

Date of Commencement: See Section 1

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**THE KAKAMEGA COUNTY YOUTH SERVICE
AND WOMEN EMPOWERMENT ACT, 2019**

AN ACT of the County Assembly of Kakamega County to give effect to Article 55 of the Constitution; establish the Kakamega County Youth and Women Empowerment Service and for connected matters and incidental purposes.

ENACTED by the County Assembly of Kakamega as follows—

PART I – PRELIMINARY

1. This Act may be cited as the Kakamega County Youth and Women Empowerment Service Act, 2019 and shall come into force upon publication in the *Gazette*. Short title and commencement

2. In this Act, except where the context otherwise requires— Interpretation

“county” means Kakamega county;

“county government” means the county government of Kakamega;

“county Public Service Board” means the Kakamega county Public Service Board;

“director” means the county director of the service appointed under this Act;

“executive committee” means county executive committee pursuant to Article 179 of the Constitution of Kenya;

“executive committee member” means the executive committee member responsible for youth affairs;

“officer” means a member of the county youth and women empowerment service of one of the ranks of officers specified in the First Schedule;

“member” in relation to the county youth service includes an officer, a subordinate officer, a service member and any person for the time being seconded for service in the county youth service;

“service” means Kakamega county youth service;

“service member” means a member of the county youth service undergoing training;

“subordinate officer” means a member of the service of one of the ranks of subordinate officer specified in the First Schedule; and

“youth” has the meaning assigned to it under article 260 of the Constitution of Kenya, 2010.

3. The object of this Act is to—

Object of the Act.

- (a) give effect to Article 55 of the Constitution by—
 - (i) ensuring youth and women access relevant education and training;
 - (ii) providing youth and women with opportunities to associate, be represented and participate in political, social and economic spheres of life;
 - (iii) providing youth and women with employment opportunities; and
 - (iv) ensuring youth and women are protected from harmful cultural practices and exploitation.
- (b) promote participation of the youth and women in development and empowerment programs; and
- (c) provide necessary training to facilitate increased employment and self-reliance of the youth and women.

PART II—ESTABLISHMENT OF THE SERVICE

4. There is hereby established and maintained in the county, the Kakamega County Youth and Women Empowerment Service.

Establishment of the service

5. The functions of the service shall be—

Functions of the service

- (a) the training of youth and women to serve the county; and
- (b) the employment of its members to undertake tasks on the devolved functions of the county and otherwise in the service of the county.

6. (1) The service shall recruit service members from every ward of the county.

Recruitment of service members

(2) In making the recruitment, the director shall ensure regional balance within the Wards and gender equity in line with existing policies and regulations.

7. (1) There shall be a county youth and women leader appointed by the governor, who shall not be a member of the county public service.

Appointment of county youth and women leader

(2) The county youth and women leader shall advise the governor and the executive committee member on the exercise of their powers under this Act and their general responsibilities for the service.

(3) The county youth and women leader shall be appointed from amongst the youth and women within the county.

PART III—ORGANISATION AND MEMBERSHIP OF THE SERVICE

8. (1) The service shall consist of such number of members as may from time to time be prescribed by the executive committee.

Members of the service

(2) The members of the service shall be service members or officers, such officers being officers or subordinate officers having the ranks and seniorities specified in the First Schedule and any person for the time being seconded to the service.

(3) The executive committee member may, from time to time amend the First Schedule.

9. Any person in the county public service, officer from any other county or national government by arrangement with that government, may be seconded by the executive committee member to the service, for such period and at such rank in the service as the executive committee member may determine:

Secondment to the Service

Provided that where a person is seconded to the service in any particular rank he or she shall not thereafter be required to serve in any rank junior thereto without his or her consent, and if he or she can no longer be employed in the rank at which he or she was seconded, or in any rank senior thereto, his or her secondment shall, if he or she so wishes, be terminated.

10. (1) Officers and subordinate officers shall be appointed in the manner applicable to the appointment of other public officers within the county public service.

Appointment to, or enlistment in service

(2) Other members of the service, who must be male or female youths citizens of Kenya between the ages of eighteen years and thirty five years (both ages being inclusive), and women between the ages of thirty five years and fifty five years may be enlisted or re-enlisted by the director, or by an officer authorized by him or her in that behalf, from persons who voluntarily offer themselves for enlistment or re-enlistment.

(3) Every member of the service enlisted or re-enlisted under paragraph (a) of this subsection shall be enlisted to serve in the service for a period of two years subject to satisfactory performance, or for such other period as the executive committee member may from time to time prescribe and on the expiration of such period may, if he or she so wishes and the director, or an officer authorized by him or her in that behalf so approves, be re-enlisted for a further period:

Provided that a member desiring to re-enlist for a further term of service shall so apply not more than three months, or less than one month, immediately preceding the date of expiration of his or her current period of service.

(4) Every member of the service being appointed or seconded or enlisted for the first time shall be required to make the declaration set out in the Second Schedule, either in English or Kiswahili.

11. (1) The executive committee member may at any time during the period of secondment of a member terminate such secondment if, for any reason, the services of such member are no longer required.

Termination of
service

(2) The appointment of an officer or a subordinate officer may be terminated, if his or her services are no longer required, in the manner applicable to other public officers within the county public service.

(3) The director may, at any time during the period of enlistment or re-enlistment of a service member, terminate such enlistment or re-enlistment if for any reason the service member's services are no longer required.

12. (1) A service member may, at the discretion of the director, or an officer authorized by him or her in that

Resignation from
the service.

behalf, be permitted to resign from the service before the expiration of his or her period of enlistment or re-enlistment on personal or compassionate grounds.

(2) An officer or a subordinate officer may be permitted to resign from the service in the manner applicable to other public officers within the county public service.

13. Despite the foregoing provisions, any member of the service whose engagement or secondment expires, or who wishes to resign, during a disaster or public emergency may be retained in the service and his or her period of engagement or secondment prolonged for such further period, not being more than six months:

Extension of service during times of emergency

Provided that the provisions of this section shall not apply to a member seconded from another county or national government, except with the consent of the government and of the member concerned.

14. (1) Every member on leaving the service shall forthwith deliver up to such person as may be authorized in that behalf, any uniform, clothing, equipment or accoutrements supplied to him or her by or on behalf of the service:

Return of service property

Provided the director, at his or her discretion, may authorize a member to retain items of clothing on leaving the service.

(2) Any person who fails to comply with the provisions of subsection (1) or who returns such property in a damaged condition, the damage not being attributable to the proper discharge of his or her duties whilst a member of the service, shall be liable for the cost of replacing or repairing such property, and such cost shall be a debt due from such person to the county government and maybe recoverable by deduction from any moneys due from the county government to such person, or by civil suit for the whole amount, or for any balance due after such deduction as aforesaid

15. During his or her period of service with the service no member shall engage himself or herself in any trade, business or employment, or shall take part in any commercial undertaking, outside the scope of his or her

Members not to engage in trade, etc

duties in the service, except with the approval of the executive committee member in the case of an officer and a subordinate officer or the director in the case of any other member.

16. (1) The service shall be divided into such numbers and description of branches, units and sub-units as the executive committee member may from time to time direct.

Service may be divided into branches, etc.

(2) Any member, save for an officer or subordinate officer specifically seconded to a particular description of branch, unit or sub-unit (in which case he or she may be posted only to a branch, unit or sub-unit of that description), may at the discretion of the director be posted to and employed in any branch, unit or sub-unit of the service.

17. (1) The director shall, subject to this Act and any subsidiary legislation made thereunder, and any directions given by the executive committee member, be responsible for the overall command, superintendence and direction of the service, and may for this purpose from time to time issue service standing orders which shall not be required to be published in the gazette.

Responsibilities of director and officers in charge

(2) The director shall be the accounting officer of the service.

(3) Subject to subsection (1), the member who is appointed as officer in charge of any description of branch, unit or sub-unit or combination of the same shall be responsible for the command, superintendence and direction of such branch, unit or sub-unit or such combination.

18. There is established a secretariat of the service headed by the director which shall have such number of staff as may be approved by the county executive committee.

Secretariat of the service

PART IV—DUTIES AND EMPLOYMENT OF THE SERVICE

19. Every member of the service shall—

Duties of members

(a) perform such duties and carry out such training as he or she may be directed by the officers senior to or placed in command over him or her;

- (b) obey and execute promptly all orders lawfully issued to him or her by the officers senior to him or her or placed in command over him or her.

20. Upon successful completion of the prescribed period of training and service in the county youth and women empowerment service, a certificate of training and service shall be issued to every service member. Certificate

PART V—DISCIPLINE

21. (1) The director may issue a disciplinary code for the service or any part of the service, and in respect of service members may make regulations for the following matters— Disciplinary code and regulations

- (a) to make provision for the investigation of disciplinary offences and the hearing and determination of disciplinary proceedings;
- (b) to make provision for appeals; and
- (c) to prescribe disciplinary penalties and awards.

(2) The following disciplinary penalties and awards, or any combination thereof, may be included in such regulations for infringements of the disciplinary code—

- (a) dismissal from the service;
- (b) stoppages of pay or allowances;
- (c) extra drills or parades or fatigues.

(4) A person seconded to the service shall not be subject to the disciplinary code

22. (1) Any member who takes part in a strike, sit-in, revolt or an act of defiance commits an offence and on conviction shall be liable to imprisonment to a term not exceeding one year. Strike, sit in, revolt, or defiance

(2) In subsection (1) “strike, sit-in, revolt or defiance” for the purposes of this section means a combination between two or more members—

- (a) to resist lawful authority in the service; or
- (b) to disobey any such authority in such circumstances as to make the disobedience subversive of discipline.

23. Any member who—Insubordinate
behavior

- (a) strikes or otherwise uses violence to, or offers violence to or incites any other person to use violence to an officer senior to or placed in command over him or her or such other person; or
- (b) uses threatening or insubordinate language to any officer senior to or placed in command over him or her, shall be summarily dismissed from the service.

24. Nothing in this Act or in the disciplinary code shall be deemed to exempt any member from being proceeded against for any offence under any other written law.

Liability for other
offences

25. (1) Any member who absents himself or herself from duty without leave or just cause for a period of seven days shall, unless the contrary is proved, be deemed to have deserted from the service.

Desertion

(2) Any member who deserts from the service or who is deemed to have deserted from the service shall forfeit any pay or allowances due to him or her and all rights in respect of any incentives offered by the service.

(3) No pay or allowances shall be paid to any member in respect of any day during which he or she is absent from duty without leave, unless the director otherwise directs.

PART VI—MISCELLANEOUS

26. The expenditure incurred in the establishment, maintenance and operations of the service, including the payment of such allowances for members as the executive committee member may from time to time direct shall be defrayed out of moneys appropriated by the county assembly.

Finance

27. Despite anything contained in any other written law, a member of the service shall not be deemed to be an employee of the public service of the county government of Kakamega.

Member not
employee

28. The County Public Service Board shall guide the county department responsible for the service on all matters of recruitment, human resource management and development, discipline and deployment and any other matter that may affect the service.

Role of County
Public Service
Board

29. (1) At the end of each financial year or upon ^{Reports} request by the executive committee member or the governor, the director shall submit a report on the performance of the service including—

- (a) the number of youth trained and deployed to perform various tasks in the county during the year;
- (b) the number of youths who have successfully completed the programme and exited;
- (c) financial records of the service;
- (d) any discipline issues;
- (e) challenges experienced during the year and recommendations;
- (f) nature, achievements and distribution of programmes being undertaken by the service in the county; and
- (g) any other matter the director shall deem necessary or is requested to report on.

(2) The report in sub section (1) shall also be submitted to the county assembly through the line ministry

30. In addition to the powers to make regulations or ^{Regulations} orders provided in the foregoing provisions of this Act, the executive committee member may make regulations generally for the better carrying out of the purposes of this Act.

FIRST SCHEDULE

[SECTION 8(2)]

RANKS OF OFFICERS IN ORDER OF SENIORITY***Officers***

Director

Senior Deputy Director

Deputy Director

Senior Assistant Director

Assistant Director

Senior Superintendent

Superintendent

Chief Inspector

Inspector

Subordinate Officers

Senior Sergeant

Sergeant

Corporal

SECOND SCHEDULE

[Section 10(3)]

DECLARATION

I..... Do hereby swear by the Almighty God [or do hereby solemnly and sincerely affirm] that I will give faithful and loyal service during this or any subsequent period of service as a member of the county youth and women empowerment service and that I will subject myself to all laws, regulations, standing orders and disciplinary code relating to the said service which may from time to time be in force.

So help me God

.....
(Signature of member)

Declared by the said

.....

At.....

This day of 20.....

.....

Before me

