

SPECIAL ISSUE

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KIAMBU COUNTY ACTS, 2018

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CONTENT

Act—	PAGE
The Kiambu County Water and Sanitation (Amendment) Act, 2018.....	1

**THE KIAMBU COUNTY WATER AND SANITATION SERVICES
(AMENDMENT) ACT**

No. 3 of 2018

Date of Assent: 7th March, 2018

Date of Commencement: 28th March, 2018

ARRANGEMENT OF SECTIONS

PART I—PRELIMINARY

Section

- 1—Short title.
- 2—Interpretation.

PART II—AMENDMENTS

- 3—Amendment of section 2 of *No. 2A of 2015*.
- 4—Amendment of section 4 of *No. 2A of 2015*.
- 5—Amendment of section 5 of *No. 2A of 2015*.
- 6—Amendment of section 6 of *No. 2A of 2015*.
- 7—Amendment of section 7 of *No. 2A of 2015*.
- 8—Amendment of section 8 of *No. 2A of 2015*.
- 9—Amendment of section 9 of *No. 2A of 2015*.
- 10—Amendment of section 22 of *No. 2A of 2015*.
- 11—Amendment to section 59 of *No. 2A of 2015*.
- 12—Amendment to section 58 of *No. 2A of 2015*.

**THE KIAMBU COUNTY WATER AND SANITATION SERVICES
(AMENDMENT) ACT, 2018**

**AN ACT of the County Assembly of Kiambu to amend the Kiambu
County Water and Sanitation Services Act, 2015 and for
connected purposes**

ENACTED by the County Assembly of Kiambu as follows—

PART I— PRELIMINARIES

Short title

1. This Act may be cited as the Kiambu County Water and Sanitation Services (Amendment) Act, 2018.

Interpretation

2. “Act” means the Kiambu County Water and Sanitation Services (Amendment) Act, 2018;

“principal Act” means the Kiambu County Water and Sanitation Services Act, 2015;

“County” means Kiambu County;

“County Government” means the County Government of Kiambu;
and

“Community Water Project” means a water project initiated by a community for provision of water services.

PART II—AMENDMENTS

Amendment of section 2 of No. 2A of 2015

3. Section 2 of the principal Act is amended by—

- (i) deleting the definition of the words “Water Service Provider” appearing after the definition of the words “Chief Officer”.

Amendment of section 4 of No. 2A of 2015

4. Section 4 of the principal Act is amended—

- (i) in sub-section (1) by deleting the paragraph and replacing therefor the following new paragraph—

“(1) There shall be one County Government Water and Sanitation Service Provider whose headquarters shall be in Kiambu Sub-county.”

- (ii) in sub-section (5) by deleting the paragraph and replacing therefor the following new paragraph—

“(5) The Water Service Provider may, with the approval of the County Executive Committee Member, establish branches and other office outlets for ease of delivery of its services.”

(iii) in sub-section (6) by deleting the paragraph and replacing therefor the following new paragraph—

“(6) Notwithstanding the generality of the subsection (5), unless otherwise determined by the Water Service Provider, the offices of the water companies succeeded in accordance with sub-section (4) shall be branch offices of the Water Service Provider.

Amendment of section 5 of No. 2A of 2015

5. Section 5 of the principal Act is amended in —

- (i) paragraph (b) by deleting the phrase “in the assigned area” and replacing therefor the words “within the County”; and
- (ii) paragraph (c) by deleting the words “delegated” and “small”

Amendment of section 6 of No. 2A of 2015

6. Section 6 of the principal Act is amended—

(i) in sub-section (2) by deleting the paragraph and replacing therefor the following new paragraph—

“(2) The Board shall consist of not less than seven and not more than ten members appointed as follows—

- (a) a non-executive chairperson appointed by the Governor with the approval of the County Assembly;
- (b) County Secretary;
- (c) the Chief Officer responsible for water services;
- (d) the chief officer responsible for finance;
- (e) Chief Officer responsible for planning matters;
- (f) the Managing Director, as an *ex-officio*, who shall be the secretary to the Board; and
- (g) the following persons resident within the County appointed by the County Executive Committee Member—

No. 3 Kiambu County Water and Sanitation Services Amendment 2018

- (i) a water engineer nominated by the Engineering Registration Board of Kenya;
 - (ii) a representative of Kiambu County water consumers or a representative of institutions of learning within the County;
 - (iii) a person resident in a catchment area with knowledge in water conservation nominated by faith based organization; and
 - (iv) a representative of any business association recognized in the County.
- (ii) In sub-section (4) by deleting the paragraph and replacing therefor the following new paragraph —

“A person shall be qualified for appointment as a member under sub-section (2) (g) if the person—

- (a) is a Kenyan Citizen;
 - (b) holds the relevant academic qualifications or skills required by the nominating organization;
 - (c) meets the requirements of chapter six of the Constitution; and
 - (d) is a resident of the County
- (iii) by deleting sub-section (5).
- (iv) in sub-section (6) by deleting the words “Chief officers” and replacing therefor the expression “the ex-officio member”

Amendment of section 7 of No. 2A of 2015

7. Section 7 of the principal Act is amended in paragraph (b) (i) by deleting the word “serious”.

Amendment of section 8 of No. 2A of 2015

8. Section 8 of the principal Act is amended —

- (i) in sub-section (1) by deleting the word “each” and replacing therefor the word “the”; and
- (ii) in sub-section (3) by inserting the following new paragraph after paragraph (b)—

“(c) meets the requirements of Chapter six of the Constitution”.

Amendment of section 9 of No. 2A of 2015

8. A Section 9 of the principal Act is amended in paragraph (b) (i) by deleting the word “serious”.

Amendment of section 22 of No. 2A of 2015

9. Section 22 of the principal Act is amended --

- (i) in sub-section (1) by deleting the word “Department” and replacing therefor the words “County Executive Committee Member”.
- (ii) by inserting the following new section immediately after sub-section (5)

“22A Administration of a community water project

(1) In addition to any other requirements under any other written laws, a community water project shall not qualify for registration or the grant of a permit under this Act unless it has established a management committee responsible for the day to day management of its operations.

(2) The members of the management committee shall be elected by the community in line with their written instruments of governance.

(3) Notwithstanding the provisions of subsection (2), the Governor shall designate a member of staff of the County Government to be a member of the management Committee and who shall be the secretary to the committee.

(4) In addition to any other requirements under any other written laws, the tenure of office of the management committee members, except a member under sub-section (3), shall not exceed three years provided that a member may be eligible for re-election for one more term.

(5) Notwithstanding the provisions of sub-section (4), a person who has previously been elected or served as a member of a committee or as an official of the community water project for a period of five years shall not be eligible for election in accordance with this Act.

(6) The management committee shall ensure that proper books of accounts are maintained and shall within three months from the closure of the financial year submit their audited books of account to the County Executive Committee Member and the County Assembly.

(7) Notwithstanding the generality of sub-section (6), a community water project which has received funds from the County Treasury or the Exchequer shall manage and account for their funds in accordance with the provisions of the Public Finance Management Act.

No. 3 *Kiambu County Water and Sanitation Services Amendment* 2018

(8) Within three months from the date of commencement of this Act, the community water project shall ensure compliance with the provisions of this Act and any other regulations prescribed under this Act.

Amendment to section 59 of No. 2A of 2015

10. Section 59 of the principal Act is amended—

- (i) in subsection (2) by deleting the words “respective assigned”
- (ii) in subsection (3) by deleting the words “respective assigned”
- (iii) in subsection (5) (a) and (b) by deleting the words “respective assigned”.
- (iv) in sub-section (6) by deleting the word “respective”.
- (v) in subsection (7) by deleting the word “respective”.
- (vi) in sub-section (8) by deleting the word “respective”
- (vii) in sub-section (9) by deleting the word “respective” appearing twice in the sub-section.

Amendment to section 58 of No. 2A of 2015

11. A Section 58 of the principal Act in sub-section (2) (b) by deleting the words “funded through government funds”.

