

SPECIAL ISSUE

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LAMU COUNTY ACTS, 2018

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**THE LAMU COUNTY GENDER AND SOCIAL DEVELOPMENT
ACT, 2018**

No. 3 of 2018

Date of Assent: 2nd August, 2018

Date of Commencement: See Section 1

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**THE LAMU COUNTY GENDER AND SOCIAL
DEVELOPMENT ACT, 2018**

AN ACT of County Assembly of Lamu to provide for the rights of men and women through social development; to provide equal opportunities to the people of Lamu; to empower women; to establish the County Social Development Fund; and for connected purposes.

ENACTED by the County Assembly of Lamu as follows—

1. This Act may be cited as the Lamu County Gender and Social Development Act, 2018 and will come into effect on such a date set by the County Executive Committee.

Short title and
Commencement

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

Interpretation

“Chief Officer” means Chief Officer in charge of Gender and Social Services.

“Constitution” means the Constitution of Kenya, 2010;

“County Executive Committee Member” means county executive committee member in charge of Gender and Social Services established in accordance with Article 176 of the Constitution;

“Department” means the Department of Gender and Social Services;

“Director” means the director in charge of Gender and Social Services;

“Fund” means the Lamu County Women Empowerment Fund;

“Government” means County Government of Lamu;

“Group” means registered women groups;

3. This Act seeks to serve the following objectives—

Object and purpose
of the Act

(a) to promote gender mainstreaming in all development aspects of Lamu County;

(b) to enhance the capacity of communities to identify, plan, and implement sustainable socio-economic activities.

- (c) to promote women entrepreneurship through the provision of Women Empowerment Fund;
- (d) to promote women entrepreneurship through empowerment programs such as training;
- (e) to ensure that both men and women enjoy equal rights, opportunities and high quality of life.

PART II— CAPACITY BUILDING

4. The Department shall equip men and women with knowledge and skills on gender equality and on the effective way to incorporate this in their daily lives. This will include—

Capacity building programs

- (a) to train men and women on how to end gender based violence in the County;
- (b) to equip women and men with skills of entrepreneurship;
- (c) to facilitate trainings that aim at empowering women;
- (d) to work in partnership with civil society organizations in order to initiate programs that aim at empowering women and other vulnerable groups in our county; and
- (e) to support women to undertake short courses aiming to improve their social welfare.

5. The Department shall improve sports and recreation through—

Sports and recreation

- (a) improve accessibility to recreation and sporting facilities by women;
- (b) in collaboration with other stakeholders, provide women friendly sports equipment and facilities;
- (c) ensure that women are represented on committees and bodies that make decisions on sports.

PART III—ECONOMIC EMPOWERMENT

6. The Fund shall be appropriated for the purpose of—

Purpose of the Fund

- (a) providing access to capital and financial facilities to the medium and small enterprises owned by at least seventy-percent women;

- (b) spurring socio-economic development;
- (c) marketing products of small and medium enterprises for women; and
- (d) supporting entrepreneurship training for micro and small enterprise to groups benefitting from the Fund.

7. The Fund shall be given out regularly within the financial year.

Disbursement of
the Fund

- (a) the Fund shall not be given out in form of monies unless deemed necessary.
- (b) the Fund shall be issued to fund women groups or group representatives who may apply for short courses that are intended to improve the achievement of the group goals and objectives.
- (c) the Fund shall be used to financially support women to go for short courses where the total expenses of the course per person do not exceed one hundred thousand Kenya shillings (Ksh 100,000/-);
- (d) the Fund shall not be used to fund community projects/groups or individuals who benefitted from the Fund in the previous years unless there are no other applicants;
- (e) if the Department finds it necessary to give cash to a specific group, then the amount given to that group shall depend on the budget of the activity the group wants to undertake, the seriousness of its undertakings and its previous successes or disappointments;
- (f) ninety percent of the total Fund for the year shall be for disbursement while only ten percent (10%) shall be used for monitoring and evaluation and other administrative expenses;
- (g) the Department in consultation with the Chief Officer, shall sit to determine the eligible applicants;
- (h) the proposal of the successful applicants shall be presented by the Director to the Chief Officer for approval;

- (i) the successful applicants shall receive the items requested from the Chief Officer;
- (j) there shall be a revolving fund to members without interest.
- (k) the Chief Officer shall follow all procurement procedures in purchasing the items applied for by the group.
- (l) the Chief Officer shall keep records on the successful applicants and present a report to the County Assembly of Lamu through the County Executive Committee Member every year.

8. The applicants shall follow the following procedures—

Application
procedures

- (a) write an application letter addressed to the Director;
- (b) provide a group detailed proposal giving an introduction, objectives, scope and the budget of the activities shall be attached to the application letter.
- (c) an applicant for a short course shall provide a recommendation letter from the group for the course, an admission letter in addition to the requirement in (a) and (b) above.

9. (1) There is established a Committee to be known as the Lamu County Gender and Social Development Fund Committee which shall consist of —

Establishment of
the committee

- (a) the Chief Officer who shall be the Chairperson;
- (b) Director of Gender who shall be the Committee secretary;
- (c) three women from each sub county representing women groups;
- (d) two people a male and a female appointed by the county executive committee member in charge of the department and approved by the Governor.

(2) The appointing authority for the membership of the Committee shall vest to the County Executive Committee Member responsible for Youth Affairs.

(3) The persons appointed under section (1) (c) and (d)

shall hold office for a term of three years' renewable once.

PART IV— NEEDS ASSESSMENT

10. The Department in the implementation of all programs in this Act shall perform the following—

Establishment of
needs assessment
programs

- (a) identify gender concerns, needs, priorities, constraints and opportunities in the County;
- (b) identify capacity needs and design appropriate sector specific for capacity building programs;
- (c) conduct gender analysis to assess the development impact on men and women and design strategies to mitigate the negative development on women;
- (d) develop annual work plans for gender mainstreaming in line with department's programs.

PART V— PENALTIES

11. (1) A person is guilty of an offence if the person—

Penalties

- (a) fails to comply with an adjustment order issued under this Act;
- (b) discriminates against a person because of their gender contrary to this Act; or
- (c) discriminates against a man or woman on the ground of any ethnic, communal, cultural customs and practice.

(2) A person who is convicted of an offence under subsection (1) is liable to a fine not exceeding twenty thousand shillings or to imprisonment for a term not exceeding six months or to both.

(3) A person found guilty of an offence under this Act may in addition to the penalty imposed by the court be ordered to pay the person injured by the offence such sums of money in compensation as the court may deem appropriate.

PART VI— REGULATIONS

12. The County Executive Committee Member shall issue regulations generally for the better carrying out the provisions of this Act, and without prejudice to the foregoing, may issue regulations in respect of the following

Power to make
regulations

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- (a) the receipt, processing and approval of applications for grants to applicants;
 - (b) the preparation and maintenance of grantee's records;
 - (c) the withdrawal, recovery and cancellation of grants; and
 - (d) the waiver or exemption from repayment of grants.
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