

**SPECIAL ISSUE**

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*Nyeri County Gazette Supplement No. 10 (Acts No. 2)*



**REPUBLIC OF KENYA**

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**NYERI COUNTY GAZETTE  
SUPPLEMENT**

**ACTS, 2014**

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**NAIROBI, 14th November, 2014**

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**THE NYERI COUNTY PUBLIC APPOINTMENTS APPROVAL  
ACT, 2014**

**No. 2 of 2014**

*Date of Assent: 6th November, 2014*

*Date of Commencement: 14th November, 2014*

**ARRANGEMENT OF SECTIONS**

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**SCHEDULE**

**CRITERIA FOR VETTING/APPROVAL OF NOMINEES FOR  
APPOINTMENT TO PUBLIC OFFICE BY THE COUNTY ASSEMBLY**

**THE NYERI COUNTY PUBLIC APPOINTMENTS  
APPROVAL ACT, 2014**

**AN ACT of the County Assembly of Nyeri to  
provide for procedures for the County Assembly  
Approval of constitutional and statutory  
appointments and for connected purposes**

**Short title**

1. This Act may be cited as the Nyeri County Public Appointments Approval Act, 2014.

**Interpretation**

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

“appointing authority” means any person who, under the Constitution or any other law, is required to make an appointment for which the approval of County Assembly is required;

“appointment” includes any re-appointment to the same body, whether or not in the same capacity;

“candidate” means a person who has been proposed or nominated for appointment to a public office;

“County Assembly” means the County Assembly of Nyeri;

“Clerk” means the Clerk of the County Assembly of Nyeri;

“Committee” means the relevant committee of the County Assembly or such other committee as the Speaker may, for good reasons, direct;

“Speaker” means the Speaker of the County Assembly of Nyeri.

**Exercise of powers of appointment**

3. An appointment under the Constitution or any other law for which the approval of the County Assembly is required shall not be made unless the appointment is approved or deemed to have been approved by the County Assembly in accordance with this Act.

**Notification of vetting requirements**

4. Any advertisement inviting applications for nomination for appointment to an office to which this Act applies shall indicate that candidates so nominated shall be required to appear before a committee of the County Assembly for vetting.

**Notification of nomination**

5. (1) An appointing Authority shall, upon nominating a person for an appointment to which this Act applies, notify the County Assembly accordingly.

(2) A notification under subsection (1) shall be—

(a) in writing;

(b) be lodged with the Clerk of the County Assembly.

(3) A notification of appointment shall be accompanied by information concerning the nominee, having regard to the issues mentioned in section 7.

(4) For purposes of this Act, a notification of nomination shall be deemed to be duly given on the day on which it complies fully with subsections (2) and (3), provided that if the assembly is not in session, the notification of nomination shall be deemed to be duly given on the day the county assembly next sits.

**Approval hearing**

6. (1) Upon receipt of a notification of appointment, the Clerk shall invite the committee to hold an approval hearing.

(2) The committee shall determine the time and place for the holding of the approval hearing and shall inform the Clerk.

(3) The Clerk shall notify the candidate of the time and place for the holding of an approval hearing.

(4) The committee shall notify the public of the time and place for holding an approval hearing at least seven days prior to the hearing.

(5) Subject to this Act, all committee proceedings on public appointments shall be open and transparent.

(6) Despite subsection (5), the committee may, in exceptional circumstances on its own motion or on the application of the candidate or any other concerned person, seek leave of the speaker to exclude the public from the whole or part of its sitting.

(7) An approval hearing shall focus on a candidate's academic credentials, professional training and experience, personal integrity and background.

(8) The criteria specified in the Schedule shall be used by a committee during an approval hearing for the purposes of vetting a candidate.

(9) Any person may, prior to the approval hearing, and by written statement on oath, provide the Clerk with evidence contesting the suitability of the candidate to hold the office to which the candidate has been nominated.

(10) A candidate may, at any time, by notice in writing addressed to the Clerk, withdraw from the approval process and the candidate's nomination shall thereupon lapse.

#### **Issues for consideration**

7. The issues for consideration by the County Assembly in relation to any nomination shall be—

- (a) the procedure used to arrive at the nominee;
- (b) any constitutional or statutory requirements relating to the office in question; and
- (c) the overall suitability of the nominee for the appointment proposed having regard to whether the nominee's abilities, experience and qualities meet the needs of the body to which nomination is being made.

#### **Period for consideration and report**

8. Unless otherwise provided in any law, a committee shall consider a nomination, prepare and table its report in the County Assembly for debate and decision within fourteen days from the date on which the notification of nomination was given in accordance with section 5.

#### **Rejection of nomination**

9. Where the nomination of a candidate is rejected by the County Assembly, the appointing authority may submit to the County Assembly the name of another candidate, and the procedure for approval specified in this Act shall apply accordingly.

#### **Notification of decision**

10. The Clerk shall notify the appointing Authority of the decision of the County Assembly within seven days of the decision.

#### **Failure of the County Assembly to act on nomination**

11. If, after expiry of the period for consideration specified in section 8, the County Assembly has neither approved nor rejected a nomination of a candidate, the candidate shall be deemed to have been approved.

#### **Powers of the committee**

12. (1) The committee shall have the power to summon any person to appear before it for the purpose of giving evidence or providing information during approval hearing.

(2) For purposes of subsection(1), the committee shall have the same powers as the High Court to—

- (a) enforce the attendance of witnesses and examine them on oath, affirmation or otherwise;
- (b) compel the production of documents; and
- (c) issue a commission or request to examine witnesses abroad.

(3) Any person who—

- (a) disobeys any order made by a committee for attendance or for production of papers, books, documents or records; or
- (b) refuses to be examined before, or to answer any lawful and relevant question put by, a committee, commits an offence and shall be liable, on conviction, to a fine not exceeding two hundred thousand shillings or to imprisonment for a term not exceeding one year, or to both.

#### SCHEDULE [Section 6 (8)]

### CRITERIA FOR VETTING/APPROVAL OF NOMINEES FOR APPOINTMENT TO PUBLIC OFFICE BY THE COUNTY ASSEMBLY OF NYERI QUESTIONNAIRE

Notes:

- (a) This questionnaire applies to appointments to public office arising by or under the Constitution or any other law where County Assembly approval is required.
- (b) The questionnaire shall be used by the relevant County Assembly to vet a nominee appearing before the committee in the process of approval.
- (c) The questionnaire shall be filled and submitted by the nominee to the County Assembly committee through the Clerk on or before a date set by the committee.
- (d) The submission of false information in the questionnaire is an offence and may result in prosecution.
- (e) Any form of canvassing by a nominee shall lead to disqualification.
- (f) The nominee must answer all the questions (*where applicable*).

1. Name: (*State full name*).

2. Position: (*State office to which you have been nominated*).

3. Sex:
4. Date of Birth: (*State year and place of birth*).
5. Marital Status:
6. Do you have any form of disability? If any describe the type of impairment
7. Daytime phone number:
8. Mobile phone number:
9. Email Address:
10. ID Number:
11. PIN Number:
12. Nationality:
13. Postal Address:
14. Town/City:
15. Knowledge of Languages: (*Specify Languages*).
16. Do you use any other special coded languages such as sign language or braille? If yes, specify
17. Education: (List, in reverse chronological order, each university, college, or any other institution of higher education attended and indicate, in respect of each, the dates of attendance, academic award obtained, whether a degree was awarded, and the dates on which each such degree was awarded).
18. Employment Record: (List in reverse chronological order all Government agencies, business or professional corporations, companies, firms or other enterprises with which you have been affiliated as an officer, director, partner, proprietor, employee or consultant).
19. Honours and Awards: (List any scholarships, fellowships, honorary degrees, academic or professional honours, honorary society memberships, military awards and any other special recognition for outstanding service or achievement and in respect of each, state the date of award and the institution or organization that made the award).
20. Professional Association (where applicable): (List all professional associations of which you are or have been a member and give any positions held and the respective dates when each such position was held).
21. Memberships: (List all professional, business, fraternal, scholarly, civic, charitable or other organizations, (other than those listed in response to Question 20) to which you belong or have belonged).

categories of litigation or financial arrangements that are likely to present potential conflicts-of-interest when you first assume the position to which you have been nominated. Explain how you would address any such conflict if it were to rise.

- (b) Explain how you would resolve any potential conflict of interest, including the procedure you would follow in determining these areas of concern.

30. Pro-Bono/Charity Work/Donations to charity: (Describe what you have done by way of pro bono or charity work, listing specific instances, the amount contributed and the amount of time devoted to each).

31. Have you ever been charged in a court of law in the last three years? If so, specify the nature of the charge, where the matter is ongoing, the present status of the matter, or where the matter is concluded, the judgment of the court, or otherwise, how the case was concluded.

32. Have you ever been adversely mentioned in an investigatory report of Parliament or any other Commission of inquiry in the last three years?

33. Have you any objection to the making of enquiries with your present employer/referees in the course of consideration of your nomination?

34. References: (List three persons who are not your relatives who are familiar with your character, qualification and work)