

SPECIAL ISSUE

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REPUBLIC OF KENYA

**NYERI COUNTY GAZETTE
SUPPLEMENT**

ACTS, 2014

NAIROBI, 27th June, 2014

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**THE PETITION TO THE COUNTY ASSEMBLY OF NYERI
(PROCEDURE) ACT, 2014
(No. 1 of 2014)**

Date of Assent: 12th May, 2014

Commencement Date: 27th June, 2014

AN ACT of the County Assembly of Nyeri to give effect to Article 37 of the Constitution and section 15 of the County Government Act on the right to petition the County Assembly; to make provision for the procedure for the exercise of the right pursuant to Article 37 of the Constitution and section 15 of the County Government Act; to enhance public participation in the County Assembly and legislative process and other connected purposes.

ENACTED by the County Assembly of Nyeri, as follows—

1. This Act may be cited as the Petition to the County Assembly of Nyeri (Procedure) Act, 2014 and shall commence upon gazettment.

Short title and commencement.

2. In this Act unless the context otherwise requires—

Interpretation.

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

“County Assembly” means the County Assembly of Nyeri;

“petition” means a written prayer to Assembly under section 15 of the County Government Act made in accordance with this Act;

“petitioner” means a person who petitions the County Assembly under Section 15, in accordance with the procedure set out in this Act;

“Register” means the register maintained by a Clerk under section 7; and

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

3. A petition to the County Assembly shall be in the form set out in the Schedule and shall—

Form of Petition.

(a) be handwritten, printed or typed;

(b) be in English or Kiswahili and be written in respectful, decorous and temperate language;

(c) be free of alterations and interlineations in its text;

- (d) be addressed to the County Assembly;
 - (e) have its subject-matter indicated on every sheet if it consists of more than one sheet;
 - (f) indicate whether any efforts have been made to have the matter addressed by a relevant body and whether there has been any response from that body or whether the response has been unsatisfactory;
 - (g) indicate whether the issues in respect of which the petition is made are pending before any court of law or other constitutional or legal body;
 - (h) conclude with a clear, proper and respectful prayer, reciting the definite object of the petitioner or petitioners in regard to the matter to which it relates;
 - (i) subject to paragraph (m), contain the names, addresses, identification numbers, signature or a thumb impression of the petitioner or of every petitioner, where there is more than one petitioner;
 - (j) contain only signatures or thumb impressions, as the case may be, and addresses and identification numbers written directly onto the petition and not pasted thereon or otherwise transferred to it;
 - (k) not have any letters, affidavits or other documents annexed to it;
 - (l) in the case of a petition presented by a Member of County Assembly on behalf of a petitioner, be countersigned by the Member presenting it; and
 - (m) be signed by the petitioner, or if the petitioner is unable to sign, by a witness in whose presence the petitioner shall make his or her mark on the petition.
4. (1) A petition to the County Assembly shall be—
- (a) submitted to the Clerk of the County Assembly by the petitioner; or
 - (b) presented by a member of the County Assembly on behalf of a petitioner, with the consent of the Speaker.
- (2) Notwithstanding section 4(1)(b), a member of the County Assembly shall not be eligible to present a petition on his own behalf.
- (3) The Clerk of the County Assembly shall, within seven

Procedure for
Presenting
Petition.

days of the date of receipt of the petition, review the petition to ascertain whether the petition meets the requirements of this Act.

(4) Where the Clerk of the County Assembly considers that a petition does not comply with section 3, the Clerk may give such directions as are necessary to ensure that the petition is amended to comply with that section.

(5) A petition shall not be rejected merely because it is not addressed to the Clerk of the County Assembly or does not conform to format except where—

- (a) the subject matter petitioned is not within the mandate of the County Assembly;
- (b) the subject matter of the petition is a private and not public matter.

(6) The County Assembly shall establish mechanisms to facilitate the formal collection of petitions from persons with disabilities, youth and other marginalised groups.

(7) A Member of the County Assembly shall establish mechanisms to facilitate the formal collection of petitions from the people of his or her constituency.

5. (1) The Clerk shall, if satisfied that the petition meets the requirements of this Act, forward the petition to the Speaker of the County Assembly for tabling in the Assembly.

Consideration
of Petition.

(2) A petition that is tabled in the County Assembly under this Act shall be considered in accordance with the Standing Orders of the County Assembly.

(3) The Clerk of the County Assembly shall, within fifteen days of the decision of the County Assembly, in writing, notify the petitioner of the decision of the Assembly.

6. (1) Where a petition is by popular initiative supported by more than five percent of the registered voters in the county, the County Assembly shall convene a sitting within seven days for that purpose, subject to subsection (2).

Petition by
Popular
Initiative.

(2) If the County Assembly is not sitting during the time contemplated under subsection (1), the petition shall be tabled in the County Assembly within seven days after it next sits.

7. (1) The Clerk shall keep and maintain a register in which shall be recorded—

Register of
Petitions.

- (a) all petitions and supporting documents and the decisions of the County Assembly; and

(b) all rejected petitions and reasons for the rejection.

(2) The register of petitions under subsection (1) shall be accessible, including in electronic format, to the public during working hours.

8. Each relevant committee of the County Assembly shall, at the end of every County Assembly's session, table a report to the County Assembly on all matters under its authority relating to petitions they have handled.

Reports to
County
Assembly.

(2) The contents of the report under subsection (1) shall include—

- (a) the number of petitions received;
- (b) the list of petitions discussed;
- (c) the action taken on each petition; and
- (d) the petitions rejected and the reasons for the rejection.

(3) The Speaker shall regularly and at a predetermined sitting give a summary report to the County Assembly on matters pertaining to petitions under this Act.

9. The Speaker may make regulations generally for the better carrying out of the provisions of this Act.

Regulations.

SCHEDULE

[Section 3.]

FORM OF PETITION

I/We, the undersigned,

(Here, identify in general terms, who the petitioner or petitioners are, for example, citizens of Kenya, residents of Ward, Nyeri County. (Workers of industry, etc.)

DRAW the attention of the Assembly to the following:

(Here, briefly state the reasons underlying the request for the intervention of the Assembly by outlining the grievances or problems by summarizing the facts, which the petitioner or petitioners wish the Assembly to consider.)

THAT

(Here confirm that efforts have been made to have the matter addressed by the relevant body, and it failed to give satisfactory response.)

THAT

(Here confirm that the issues in respect of which the petition is made are not pending before any court of law, or constitutional or legal body.)

HEREFORE your humble petitioner(s) Pray that the County Assembly—

(Here, set out the prayer by stating in summary what action the petitioners wish the Assembly to take or refrain from.)

And your PETITIONER (S) will ever pray.

Name of Petitioner	Full Address	National ID. or Passport No.	Signature/Thumb Impression
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