

**SPECIAL ISSUE**

*Kenya Gazette Supplement No. 28 (Nyeri County Acts No. 13)*



REPUBLIC OF KENYA

**KENYA GAZETTE SUPPLEMENT**

**NYERI COUNTY ACTS, 2021**

**NAIROBI, 4th April, 2022**

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**No. 13 of 2021**

*Date of Assent: 8th September, 2021*

*Date of Commencement: 16th September, 2021*

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**THE NYERI COUNTY YOUTH DEVELOPMENT ACT, 2021**

An Act of the County Assembly of Nyeri to give effect to Article 55 of the Constitution, to provide a framework for the empowerment of the youth, to establish a youth development committee, to regulate the administration and function of the committee; and for connected purposes.

ENACTED by the County Assembly of Nyeri, as follows—

**PART I—PRELIMINARY****Short title**

1. This Act may be cited as the Nyeri County Youth Development Act, 2021.

**Interpretation**

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

“Chief Officer” means the Chief Officer responsible for Youth Affairs;

“Committee” means the Youth Development Committee established under Section 7.

“Director” means the Director responsible for Youth Affairs;

“Executive Committee Member” means the Executive Committee member responsible for Youth affairs;

“Government” means the County Government of Nyeri;

“Member” means a Member of Youth Development Committee;

“Stake Holder” means national and county government; public and private sectors; NGO’s and other youth stake holders;

“Director” means the Director of the Department of Youth Affairs, or any person acting from time to time in the position of the Director; and

“Youth” means a person aged 18 years and who has not reached the age of 35 years.

**Objects**

3. The purpose of the Act is to provide a legislative framework to—

- (a) provide a mechanism for the realization of the rights of the youth;

- (b) establish a Youth Development Committee;
- (c) create mechanisms that promote the effective and inclusive engagement of youth in Development issues;
- (d) strengthen participation of youth in Governance and leadership roles;
- (e) provide for mechanisms for identifying, developing, nurturing and supporting youth's creativity and talents;
- (f) promote cross-sectional cooperation and recreation activities in County and Sub-County levels;
- (g) provide involvement of the youth that promotes volunteership and community service;
- (h) develop and implement initiatives that utilize both formal and non-formal education;
- (i) promote a culture and internship among the youth through training mentorship, incubation and business partnership;
- (j) enhance youth employability and active production in the labour market;
- (k) provide ICT skills for the youth to meet the needs of the labour market; and
- (l) provide mechanisms that support youth engagement in the development, protection, conservation of the natural resources and environment.

#### **Application of the Act**

4. This Act shall apply at all times in addressing matters relating to the youth in the County.

### **PART II—EMPOWERMENT OF THE YOUTH**

#### **Rights of youth**

5. The rights enjoyed by the youth include—

- (a) quality education;
- (b) good health;
- (c) marriage at the legal age of consent;
- (d) protection from sexual exploitation and abuse;
- (e) seek decent employment;
- (f) adequate shelter, food and clothing;

- (g) freedom of speech, expression and association;
- (h) participate in making decisions that affect their lives;
- (i) protection from social, economic, and political manipulation; and
- (j) ownership and protection of property.

### **Guiding principles**

6. The following principles shall guide all aspects of the Youth in the County—

- (a) the respect, protection, promotion, and fulfillment of the rights of the Youth as enshrined under Article 55 of the Constitution;
- (b) responsiveness to the needs and concerns of the youth and with the aim of enhancing their human potential for sustainable development of the County;
- (c) access to quality services;
- (d) providing participation opportunities to the Youth and involving them in planning and decision making on matters affecting them and the wider society;
- (e) supporting the direct and indirect inclusion of the Youth in various activities;
- (f) integration: all stakeholders involved in youth activities shall be required to cooperate and coordinate their efforts;
- (g) diversity: the diverse back ground of the youth shall be recognized and respected;
- (h) empowerment; and
- (i) equality.

## **PART III—ESTABLISHMENT, POWERS AND FUNCTIONS OF THE COMMITTEE**

### **Establishment and Composition of the Committee**

7. (1) There is established a Committee to be known as the Nyeri County Youth Development Committee which shall comprise of —

- (a) the Chief Officer who shall be the Chairperson;
- (b) the Director who shall be the Secretary;

- (c) one (1) person representing the private sector in the County who shall be appointed by the County Executive Committee Member; and
- (d) six (6) persons representing the Youth and drawn from the various Constituencies in Nyeri County who shall be appointed by the County Executive Committee Member.

(2) In appointing the members of the Committee under 1(c) and (d), the County Executive Member shall ensure—

- (a) the nomination process is competitive;
- (b) the Committee's regional diversity of the people within the County;
- (c) inclusion of the marginalized and vulnerable group; and
- (d) the membership complies with the two-third gender principle.

#### **Tenure of members**

8. The members of the committee under section 7(1)(c) and (d) shall be appointed for a term of three years and shall be eligible for reappointment for one further term of three years.

#### **Vacancy of office**

9.(1) The office of a member of the Committee, other than an *ex-officio* member, shall become vacant if the holder—

- (a) dies;
- (b) resigns from office by notice in writing addressed to the nominating authority;
- (c) is convicted of a criminal offence and sentenced to a term of imprisonment;
- (d) completes the term of office;
- (e) is absent from three consecutive meetings of the Committee without good cause; or
- (f) is removed from office on any of the following grounds—
  - (i) gross violation of the Constitution or any other written law;
  - (ii) gross misconduct or misbehaviour;
  - (iii) inability to perform functions of the office arising out of physical or mental infirmity;

- (iv) incompetence or neglect of duty; or
- (v) bankruptcy.

(2) A vacancy under this section shall be reported to the nominating body and shall be filled within three months.

#### **Function and power of the Committee**

**10.** (1) The Committee shall have power to do all things necessary to further the objects of this act, including but not limited to—

- (a) develop policy and coordinate all matters concerning youth;
- (b) regulate and co-ordinate activities relating to the youth being undertaken by youth groups and other stake holders;
- (c) mobilize resources to support and fund youth programs;
- (d) liase with other organizations to ensure that the youth gain access to resources and services appropriate to their needs;
- (e) promote relations between youth organizations and other bodies both locally and nationally;
- (f) inspire and promote the spirit of unity, patriotism, volunteerism, and service among the youth;
- (g) formulate operational guidelines that protect the youth against any form of abuse or manipulation;
- (h) mobilize and sensitize relevant stakeholders on the concept of community youth service;
- (i) act as a voice and bridge to ensure that the government and other policy makers are kept informed of the laws and aspirations of the youth;
- (j) promote research, collection, and analysis of data on youth issues;
- (k) promote the inclusion of youth agenda in the formulation of policies by public institutions and organizations;
- (l) promote the inclusion of youths in decision-making bodies, boards, agencies and other public institutions and organizations;
- (m) promote and popularize the devolved funds targeting the youth as may be established from time to time;



- (n) in consultation with the Department of County Public Service and the County Public Service Board, promote an annual internship programme for Nyeri youth holding certificate, diploma and degree qualifications; and
  - (o) perform any other function that may directly or indirectly contribute to the attainment of the foregoing.
- (2) The Committee shall have powers necessary for the effective discharge of its functions under this Act and any other written law.
- (3) despite subsection (1) the Committee shall—
- (a) formulate and adopt guidelines of listing of the youths; and
  - (b) mobilize funding for youths;
- (4) the Committee shall from time to time publish and disseminate information that is necessary for the public.

#### **Conduct of business of the Committee**

11. (1) The business and affairs of the Committee shall be conducted in accordance with the First Schedule.

(2) Except as provided in the First Schedule, the Committee may regulate its own procedure.

#### **Delegation of powers**

12. (1) The Committee may by resolution either generally or in any particular case, delegate to any member of the Committee or to any member, officer, employee or agent of the County Government, the exercise of any of the powers or the performance of any of the functions or duties of the Committee under this Act.

### **PART IV—CAPACITY BUILDING**

#### **Employment and skills Development**

13. (1) The County Government shall in collaboration with other stakeholders create employment opportunities and establish linkages for youth engagements through—

- (a) provision of industry, relevant education and training;
- (b) structured internship and industrial attachment;
- (c) establishment of youth development centers;
- (d) accessible, affordable and responsive financing to youth enterprises;
- (e) supporting youth to engage in self-employment;

- (f) development of initiatives to enhance youth education progress;
- (g) supporting learners who excel in academic and extracurricular activities; and
- (h) enhance youth participation in labor market.

(2) The County Government shall further in collaboration with other stakeholders champion, talent, sports, and arts development among the youth through—

- (a) capacity building for youths in ICT, tools and skills;
- (b) creating awareness of youth to exploit resource centers and library;
- (c) development of youth information desks within the centers to provide information on youth empowerment; and
- (d) incubate and mentor the youth.

(3) The County Government shall further in collaboration with other stakeholders tap the creativity and energy of youth in developing a safe environment and food secure County for sustainable development through—

- (a) redirecting and training youth to focus on a particular activity in a value chain;
- (b) digitization of agricultural production and marketing information into web-based resources;
- (c) investment in emerging livestock and agricultural technologies such as guinea fowls, rats, fish farming quails and horticulture and herbs; and
- (d) encourage use of alternative sources of energy.

(4) It shall be the responsibility of the County Government to create mechanisms that promote effective and inclusive engagement of the Youth in youth structures and development in all levels through—

- (a) identifying and building capacity of young leaders;
- (b) developing curriculum and training manuals on youth leadership and good governance;
- (c) developing Leadership Award programmes;
- (d) monitoring the role of youth in political parties;

- (e) creating opportunities that encourage the youth to volunteer and engage in community service;
- (f) mainstreaming of gender, PWDS and other vulnerable youth and social inclusion;
- (g) provision of youth exchange program; and
- (h) ensuring youth representation in County decision making organs such as boards and committees.

## **PART V—FINANCIAL PROVISIONS**

### **Funds of the Committee**

**14.** (1) The Committee shall be adequately resourced to effectively discharge its functions under this Act.

(2) The funds of the Committee shall consist of—

- (a) such monies as may be appropriated by the county Assembly for purposes of the Committee;
- (b) such monies as may be payable to the Committee pursuant to this Act or any other written law;
- (c) grants, gifts, donations or other endowments given to the Committee; and
- (d) monies from any other source provided or donated or lent to the Committee.

(3) The County Executive Member for Finance may establish a Fund to be known as the Youth Fund.

### **Accounts and Audit**

**15.** (1) The Department shall, at the end of each financial year, submit an annual report to the County Assembly.

(2) The annual report referred to under subsection (1), shall contain—

- (a) a description of the activities of the Committee;
- (b) the impact of the exercise of any of its mandate or functions;
- (c) any impediments to the achievements of the objects and functions of the Committee; and
- (d) any other information relating to its functions that the Committee considers necessary.

(3) The annual report shall be published and publicized in a manner that the County Executive Committee Member may determine.

## **PART V—GENERAL PROVISIONS**

### **Remuneration of chairperson and members of the committee**

16. The chairperson and members of the Committee may be paid allowances as the County Public Service Board and Executive Committee Member may on the advice of the Salaries and Remuneration Commission, determine.

### **Conflict of Interest**

17. (1) The chairperson or a member of the Committee who has a direct or indirect personal interest in a matter being considered or to be considered by the Committee shall as soon as reasonably practicable after the relevant facts concerning the matter have come to their knowledge, disclose the nature of such interest.

(2) A disclosure of interest made under subsection (1) shall be recorded in the minutes of the meeting and the chairperson or member, of the Committee shall not take part in the consideration or discussion on or vote during any deliberations on the matter.

(3) A person who fails to make the requisite disclosure under this section commits an offence.

### **Confidentiality**

18. (1) A member or staff of the County Public Service shall not without consent in writing given by, or on behalf of, the Committee, publish or disclose to any person otherwise than in the course of the person's duties the contents of any document, communication, or information which relates to, and which has come to the person's knowledge in the course of the person's duties under this Act.

(2) The limitation on disclosure referred to under subsection (1) shall not be construed to prevent the disclosure of criminal activity by a member or staff of the County Public Service.

### **Offences**

19. (1) A person who—

- (a) obstructs, hinders or threatens a member, an officer, employee or agent of the Committee, Department or relevant county public servant;

- (b) submits false or misleading information to the Committee, Department or relevant County Department; or
- (c) makes a false representation to, or knowingly misleads a member, or an officer, employee or agent of the Committee, Department or relevant County Department acting under this Act, commits an offence and shall be liable on conviction, to a fine of not exceeding twenty thousand shillings or to imprisonment for a term not exceeding one year, or to both.

**Regulation**

20. (1) The Executive Committee Member may in consultation with the Committee make regulations for the better carrying into effect of the provisions of this Act.

**Confidentiality**

18. (1) A member or staff of the County Public Service shall not without consent in writing given by or on behalf of the Committee, publish or disclose to any person otherwise than in the course of the person's duties the contents of any document, communication, or information which relates to, and which has come to the person's knowledge in the course of the person's duties under this Act.

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**Offences**

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**FIRST SCHEDULE**  
**CONDUCT OF BUSINESS AND AFFAIRS OF THE**  
**COMMITTEE (s.11)**

**Meetings**

1. The Committee shall meet as often as may be necessary for the dispatch of its business but there shall be at least four meetings of the Committee in any financial year.

**Election of Vice-Chairperson**

2. At the first meeting, the Committee shall elect a vice-chairperson amongst their number who shall be a person of opposite gender.

**Time and place of meetings**

3. A meeting of the Committee shall be held on such date and at such time and place as the Committee may determine.

**Special meetings**

4. The chairperson shall, on the written application of one-third of the members, convene a special meeting of the Committee.

**Quorum**

5. The quorum for the conduct of business at a meeting of the Committee shall be the chairperson and any four members.

**Voting**

6. The chairperson shall preside at every meeting of the Committee at which the chairperson shall be present and in the absence of the chairperson at a meeting, the vice-chairperson shall preside and in the absence of both the chairperson and the vice-chairperson, the members present shall elect one of their number who has, with respect to that meeting and the business transacted thereat, have all the powers of the chairperson.

**Decisions of the Committee**

7. Unless a unanimous decision is reached, a decision on any matter before the Committee shall be by concurrence of a majority of all the members present and voting at the meeting.

**Vacancy**

8. Subject to paragraph 5, no proceedings of the Committee shall be invalid by reason only of a vacancy in its membership.

**Significance of instruments and decisions of the Committee**

**9.** Unless otherwise provided by or under any law, all instruments made by and decisions of the Committee shall be signified under the hand of the chairperson.