

MEMORANDUM OF REASONS AND OBJECTS

The principal object of this Bill is to provide for the rights and rehabilitation of persons with disabilities, to achieve equalization of opportunities for persons with disabilities and to establish the Kiambu County Board for Persons with Disabilities.

The structure of the Bill is as follows—

Part I provides for preliminary matters. It provides for short title commencement date, interpretation and objects of the Act.

Part II of the Bill establishes the Kiambu County Board for Persons with Disabilities provides for its administrative framework and prescribes its functions and the powers of the Board. The Board shall comprise of key County officials and other appointees to ensure gender issues are mainstreamed. Among the functions of the Board include the formulation of policies, registration of persons with disabilities, issuance of adjustment orders, provision of assistive devices and other appliances and equipment.

Part III Establishes the Kiambu County Person with Disabilities Fund, its functions and administration.

Part IV provides for the rights of persons with disabilities and requires the county government to take progressive measures to the maximum of its ability to avail resources for the full realization of the rights. Among the rights set out in this Part include the right not to be discriminated in any employment opportunity, right not to be discriminated in an educational institution, right to special health treatment, right to accessibility and mobility, right to sports and recreation and the right to voting. This Part also makes provision for certain privileges to be enjoyed by persons with disabilities. These include incentives to employers who employ persons with disabilities, and promotion of access to credit.

Part V contains miscellaneous provisions. These include offences, penalties, enforcement measures and the power by the County Executive Committee Member to make Regulations.

The enactment of this Bill shall occasion additional expenditure of public funds which shall be provided for in the county government of Kiambu estimates.

Dated the 13th June, 2023.

EDWARD KINYANJUI,
Member of County Assembly.

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REPUBLIC OF KENYA

KENYA GAZETTE SUPPLEMENT**KIAMBU COUNTY BILLS, 2024**

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8. (1) The chairperson, or in his absence, the vice- chairperson, shall preside at every meeting of the Board.

(2) In the absence of both the chairperson and vice- chairperson, the members present may choose one of the members to preside the meeting.

9. A decision of the majority of members of the Board present at any meeting of the County Board shall be deemed to be the decision of the Board and if upon any question the voting shall be equal, the chairperson, vice-chairperson or other person presiding shall have a second and casting vote.

10. No act, decision or proceedings of the County Board shall be invalid on account of a vacancy in the membership thereof or on account of the appointment of a member of the Board being defective.

FIRST SCHEDULE (s7)**PROVISIONS AS TO THE CONDUCT OF BUSINESS AND AFFAIRS OF THE COUNTY BOARD**

- 1.** A member of the Board may—
 - (a) resign from office by notice in writing to the County Executive Committee Member; or
 - (b) be removed by the County Executive Committee Member by notice in writing if he —
 - (i) is subject to a vote calling for his removal by a two thirds majority of all members of the County Board;
 - (ii) has been absent from five consecutive meetings of the County Board without permission of the chairperson;
 - (iii) is incapacitated by prolonged physical or mental illness as to be unable to attend to and perform his duties for a period of six months;
 - (iv) is an undischarged bankrupt;
 - (v) is convicted by a Court of an offence punishable by a term of imprisonment; or
 - (vi) is otherwise unable or unfit to discharge his functions.
- 2.** Where the office of a member becomes vacant, the vacancy may with the approval of the County Executive Committee Member be filled through the majority vote of the members for the remainder of the term.
- 3.** The Board shall pay to its members such remuneration as the Salaries and Remuneration Commission may recommend through the County Public Service Board.
- 4.** The Board shall meet not less than four times in every year and not more than four months shall elapse between the date of one meeting and the date of the next meeting.
- 5.** A meeting of the Board shall be held on such date and at such time as the County Board shall decide, or in the absence of such a decision if the chairperson decides that a meeting is necessary, on a date and at a time determined by the chairperson.
- 6.** Unless otherwise decided by a two-thirds majority of the members of the Board, at least fourteen days' written notice of every meeting of the Board shall be given to every member of the Board.
- 7.** The quorum of a meeting of the County Board shall be two-thirds of the members.

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General Penalty

38. A person found guilty of an offence under this Act for which no penalty is expressly provided shall be liable to a fine not exceeding ten thousand shillings or imprisonment for a term not exceeding one year, or both.

Enforcement

39. The Board may cause to be taken appropriate legal action if the Board believes that—

- (a) a person or group of persons is engaged in a practice which is discriminatory under this Act; and
- (b) the discrimination is a significant and substantial infringement of the rights of persons with disabilities and raises issues of public interest.

Regulations

40. The County Executive Committee Member may make regulations generally, for the better carrying out of the provisions of this Act and, without limiting the generality of the foregoing, may make regulations—

- (a) prescribing the procedures, forms and fees (if any) applicable under this Act;
- (b) specifying and describing the nature of acts of discrimination against persons with disabilities; and
- (c) any other regulations for the better implementation of the Act.

persons with disabilities or to organizations involved in such rehabilitation and registered with the Board for the purposes of this section shall, subject to the provisions of the Income Tax Act, be allowed as deductions from the donor's gross income for the purpose of computing taxable income.

Promotion of access to credit

34. The County Executive Committee Member may liaise with the department responsible for matters relating to credit unions, co-operatives and other lending institutions to put in place measures to encourage the extension by such institutions of credit to persons with disabilities.

PART V—MISCELLANEOUS

Failure to obey an adjustment order and discrimination

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

- (a) fails to comply with an adjustment order issued under this Act;
- (b) discriminates against a person with disabilities to this Act; or
- (c) on the ground of any ethnic, communal, cultural or religious custom or practice, discriminates against a person with a disability/disabilities.

(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 one year or to both such fine and imprisonment.

Concealment of persons with disabilities

36. (1) No parent, guardian or next-of-kin shall conceal any person with a disability/disabilities in such a manner as to deny such a person the rights set out under this Act or any other law.

(2) A person who contravenes subsection (1) is guilty of an offence and is liable on conviction to a fine not exceeding twenty thousand shillings or to imprisonment for a term not exceeding one year or to both such fine and imprisonment.

Medical negligence

37. (1) Any person who, being a doctor or other medical practitioner, negligently causes a disabilities to a patient is guilty of an offence and is liable on conviction to a fine not exceeding one hundred thousand shillings or to imprisonment for a term not exceeding one year, or to both such fine and imprisonment.

(2) The court may order a doctor convicted under this section to pay to the patient such sums of money in compensation as it may deem appropriate.

THE KIAMBU COUNTY PERSONS WITH DISABILITIES BILL, 2024

A Bill for

AN ACT of County Assembly of Kiambu to establish the County Board and a Fund for Persons with Disabilities; provide for the rights and privileges of persons with disabilities; ensure equalization of opportunities for persons with disabilities and for connected purposes.

ENACTED by the County Assembly of Kiambu as follows—

PART I—PRELIMINARIES

Short title and Commencement

1. This Act shall be cited as the Kiambu County Persons with Disabilities Act, 2024 and shall come into operation upon publication in the *Kenya Gazette*.

Interpretation

2. In this Act unless the context otherwise requires —

“aged person” includes a person with disabilities who has been forced into retirement from employment due to disabilities;

“assistive devices and services” means implements, tools and specialized services (including the services of qualified interpreters for the deaf and qualified teachers for the blind) provided to persons with disabilities to assist them in education, employment or other activities;

“Board” means the Kiambu County Board for Persons with Disabilities established under section 5;

“county executive committee member” means a county executive committee member for the time being responsible for matters relating to persons with disabilities;

“disability” includes any physical, sensory, mental, psychological or other: impairment, condition or illness that has, or is perceived by significant sectors of the community to have, a substantial or long-term effect on an individual's ability to carry out ordinary day to day activities;

“discriminate” means to accord different treatment to different persons solely or mainly as a result of their disabilities and includes using words, gestures or caricatures that demean, scandalize or embarrass a person with disabilities;

“Fund” means the County Development Fund for Persons with Disabilities established under Section 13 of this Act;

“organizations for persons with disabilities” means associations or societies formed for the purposes of rendering services to persons with disabilities; and

“organizations of persons with disabilities” means associations or societies formed by persons with disabilities for their welfare and protection.

Objects and Purpose

- 3.** The purpose and objects of the Act shall be —
- (a) the establishment of a County Board for persons with disabilities;
 - (b) setting out of the rights and privileges of persons with disabilities;
 - (c) generally protect persons with disabilities from any form of discrimination and promote their welfare;
 - (d) promote public awareness on matters relating to persons with disabilities;
 - (e) provide a framework against which the delivery of services to persons with disabilities can be monitored and evaluated; and
 - (f) provide for mobilization of resources for the provision of services for persons with disabilities.

Application

4. (1) This Act shall be applicable to the County Government of Kiambu and shall guide—

- (a) the persons with disabilities in applying for a loan from the Fund;
- (b) the officer administering the Fund in the administration and utilization of the Fund;
- (c) in recovery of any monies lent from the Fund; and
- (d) any other function that the County Committee Executive Member may prescribe.

(2) A person who utilizes or authorizes the utilization of the Fund other than in accordance with this Act commits an offence and on conviction, shall be liable to a fine of a sum not exceeding five hundred thousand shillings or to imprisonment for a term not exceeding twelve months or to both.

Education Act with the consent of the County Executive Committee Member responsible for the administration of the institution or Act concerned.

(2) Within sixty days after being requested to consent under subsection (1) the County Executive Committee Member shall either give or refuse his consent and if he fails to do so within that period the Board may proceed to serve the adjustment order as though the County Executive Committee Member had consented.

Rights to sports and recreation

29. (1) Persons with disabilities shall be entitled, to the use of recreational or sports facilities owned or operated by the County Government during social, sporting or recreational activities.

(2) For the purpose of subsection (1) the Department responsible for sports shall, in consultation with the Board, provide the necessary suitable environment including—

- (a) architectural infrastructure;
- (b) apparatus and equipment;
- (c) training and medical personnel; and
- (d) transportation facilities for the participants.

(3) Section (1) shall not apply in cases where there is exclusive private hire of such facilities.

Registration of organizations

30. (1) The County Board shall keep a record of all organizations of or for persons with disabilities within the County.

(2) All existing organizations of or for persons with disabilities shall, within twelve months after this section comes into operation, seek to be enrolled in the register by notifying the Board.

Giving false information to get registered

31. A person is guilty of an offence if the person knowingly gives false information to the Board.

Non-derogation

32. The rights set out under this Part are in addition to, and do not derogate in any way with the rights set out under Article 54 of the Constitution.

Donations, bequests, subsidies or financial aid

33. Any donations, bequest, subsidy of financial aid which may be made to the County Government agencies involved in the rehabilitation of

(4) After considering any representations described in subsection (3) (c) the Board may issue, or refrain from or defer the issuing of, an adjustment order.

(5) Within thirty days after an adjustment order is confirmed or issued under subsection (4), the person concerned may appeal against the confirmation or issue to the High Court in the prescribed manner on grounds including on the grounds that—

- (a) she/he cannot reasonably be expected to bear the whole or' any part of the expense required in implementing the adjustment order;
- (b) the period stipulated for implementing the adjustment order is unreasonable;
- (c) the nature of the action required to be taken in terms of the adjustment order is, in the circumstances of the case, unreasonable; or
- (d) adequate access to the premises, services or amenities concerned may be secured without recourse to the action required by the adjustment order.

Denial of admission into premises

27. (1) No person shall, on the ground of disabilities alone, deny a person with a disabilities—

- (a) admission into any premises to which members of the public are ordinarily admitted; or
- (b) the provision of any services or amenities to which members of the public are entitled, unless such denial is motivated by a genuine concern for the safety of such person.

(2) The proprietor of premises referred to in subsection (1) (a) shall not have the right, on the ground of a person's disabilities alone, to reserve the right of admission to his premises against such a person.

Prohibition of adjustment orders against County Government institutions

28. (1) The Board shall not serve an adjustment order upon —

- (a) any hospital, nursing home or clinic controlled or managed by the County Government or registered under the Public Health Act with the consent of the County Executive Committee Member responsible for health; or
- (b) any school or educational or training institution controlled or managed by the County Government or registered under the

(3) The provisions of sub-section (2) shall not be construed as barring the County Government from applying any other remedy under any other written law.

PART II—ESTABLISHMENT AND FUNCTIONS OF THE BOARD

Establishment of the Board

5. (1) There is established the Kiambu County Board for Persons with Disabilities.

(2) The Board shall be a body corporate with perpetual succession and a common seal and shall in its corporate name be capable of suing and being sued, and acquiring, holding disposing of movable and immovable property.

(3) The County Executive Committee Member shall allocate the Board its offices.

Membership of the Board

6. (1) The Board shall consist of the following members appointed by the County Executive Committee Member—

- (a) five persons nominated by the National Council for Persons with Disabilities representing persons with various disabilities within the County;
- (b) three members nominated from a panel of names submitted to the County Executive Committee Member by organizations for persons with disabilities;
- (c) a representative of a non-governmental organization in the county nominated by Non-Government Organizations Co-ordination Board;
- (d) Chief officers or the representatives not below the rank Directors representing the Departments responsible for the following—
 - (i) Culture and social services or the Department responsible for the time being for matters concerning people with disabilities;
 - (ii) Education;
 - (iii) Lands and Physical Planning;
 - (iv) Finance; and
 - (v) Health.

(2) The secretariat of the Board shall be such other members or county officers as may be co-opted by the Board through the County Executive Committee Member.

(3) The County Executive Committee Member shall appoint one of the members appointed under subsection (1) (a) as the chairperson.

(4) The vice chairperson shall be elected by the Members of the board from amongst themselves.

(5) The chairperson and the vice-chairperson shall be of the opposite gender.

(6) Not more than two-thirds of the members should be of the same gender.

Tenure of office

7. The chairperson, vice-chairperson and members shall hold office for a period not exceeding three (3) years and shall be eligible for re-appointment for a further term not exceeding two (2) years.

Conduct of business

8. The conduct of business of the board shall be as per the First Schedule of the Act.

Qualifications of Members of the Board

9. A person shall be qualified to be a chairperson or vice chairperson if they possess a degree from a recognized university in the field of Social Sciences, Law, Education and any other relevant field and a Member if they possess a diploma in the field of Social Sciences, Law, Education and any other relevant field from a recognized university.

Chief executive Officer

10. (1) There shall be a Chief Executive Officer to the Board who shall also serve as its Secretary.

(2) The Chief Executive Officer shall be appointed by the County Public Service Board and recruited through a competitive process.

(3) To qualify for appointment as a chief executive officer, a person shall —

- (a) possess a degree in finance, accounts or any other relevant field from a recognized university; and
- (b) have had experience in management for a period of not less than five years.

(4) The Chief Executive Officer shall hold office for a period of three (3) years, on such terms and conditions of employment as the Board

(3) All proprietors of public buildings shall progressively comply with subsection (2).

Adjustment orders

26. (1) This section shall apply to —

- (a) any premises to which members of the public are ordinarily admitted whether on payment of a fee or otherwise; and
- (b) any services or amenities ordinarily provided to members of the public.

(2) Without prejudice to the provisions of Section 25, if the Board in consultation with the County Department of Lands and Planning considers that premises, services or amenities are inaccessible to persons with disabilities by reason of any structural, physical, administrative or other impediment to such access, the Board may, to that section, serve upon the owner of the premises or provider of the services or amenities concerned an adjustment order: —

- (a) setting out—
 - (i) a full description of the premises, services or amenities concerned; and
 - (ii) the grounds upon which the Board considers that the premises, services or amenities are inaccessible to persons with disabilities;
- (b) requiring the owner or provider concerned to undertake at his own expense such action as may be specified in order to secure reasonable access by persons with disabilities to the premises services or amenities concerned; and
- (c) stipulating the period within which the action referred to in paragraph (b) shall be commenced and completed.

(3) Before serving an order under subsection (2) the Board shall serve notice upon the person concerned—

- (a) specifying the ground upon which the adjustment order is to be issued and the nature of the action which the Board considers necessary to rectify the situation which has given rise to the proposed order;
- (b) stipulating the maximum period that the Board considers reasonable for the implementation of the action it proposes to order; and
- (c) calling upon the person concerned, if he wishes to do so, to make representations to the Board within thirty days from the date of the service of the notice.

pass marks, curriculum, examinations, auxiliary services, use of school facilities, class schedules, physical education requirements and other similar considerations.

(3) The County in conjunction with the National Government shall ensure that special schools and institutions, especially for the deaf, the blind and intellectually disabled, are progressively established to cater for formal education, skills development and self-reliance.

Special and non-formal education

23. The Board shall work in consultation with the relevant agencies of County Government to make provisions in all sub-counties for an integrated system of special and non-formal education for persons with all forms of disabilities and the establishment where possible of braille and recorded libraries for persons with visual disabilities.

Health of persons with disabilities

24. The Board shall ensure that the implementation of the County health programme promotes measures for—

- (a) prevention of disabilities;
- (b) early identification of disabilities;
- (c) early rehabilitation of persons with disabilities;
- (d) enabling persons with disabilities to receive free rehabilitation and medical services in public and privately owned health institutions;
- (e) availing essential health services to persons with disabilities at an affordable cost;
- (f) availing field medical personnel to local health institutions for the benefit of persons with disabilities; and
- (g) prompt attendance by medical personnel to persons with disabilities.

Right to accessibility and mobility

25. (1) Persons with disabilities are entitled to a barrier-free and disabilities-friendly environment to enable them to have access to buildings, roads and other social amenities, and assistive devices and other equipment to promote their mobility.

(2) A proprietor of a public building or public service vehicle shall adapt it to suit persons with disabilities in such manner as may be specified by the Board in consultation with the County Department of Lands and Planning.

may determine, and shall be eligible for re-appointment for a further and final term of three (3) years.

(5) The officer appointed into this position must satisfy the requirements of chapter six of the constitution of Kenya.

(6) The Chief Executive Officer shall be an ex-official member of the Board but shall have no right to vote at any meeting of the Board.

Duties and responsibilities of the Secretary

11. (1) The secretary shall—

- (a) subject to the direction of the Board, be responsible for day to day management of the affairs of the Board;
- (b) keep all the records of the Board and the Fund;
- (c) be the custodian of the common seal;
- (d) in consultation with the Board, be responsible for the direction of the affairs and transactions of the Board, the exercise, discharge and performance of its objectives, functions and duties and the general administration of the Board; shall cause proper books of accounts and other books and records to be kept in relation to the Fund and for all grants financed from the Fund;
- (e) shall prepare, sign and transmit to the County Executive Committee member for finance in respect of each financial year and within three months after the end thereof, a statement of accounts relating to the Fund and showing the expenditure incurred from the Fund, in such details as the County Executive Committee member for finance may from time to time direct in accordance with Public Finance Management Act;
- (f) shall furnish such additional information as he or she may deem to be proper and sufficient for the purpose of examination and audit by the relevant auditors;
- (g) prepare the overall performance report of the fund to be sent to County Executive Committee member for finance and the County Assembly;
- (h) carry out monitoring and evaluation of the fund beneficiaries and projects; and
- (i) carry out any other function as may from time to time be assigned by the Board for the proper management of the Fund.

Functions of the Board

- 12.** (1) The functions of the Board shall be —
- (a) to issue adjustment orders under the provisions of this Act;
 - (b) to formulate and develop measures and policies designed to progressively achieve equal opportunities for persons with disabilities by ensuring to the maximum extent possible that they obtain education and employment, and participate fully in sporting, recreational and cultural activities and are afforded full access to community and social services;
 - (c) co-operate with the National Government during the national census to ensure that accurate figures of persons with disabilities are obtained in the County, for purposes of planning;
 - (d) advise the County Executive Committee Member on the provisions of any National Legislation or agreement relating to the welfare or rehabilitation of persons with disabilities and its benefits to the county;
 - (e) recommend measures to prevent discrimination against persons with disabilities;
 - (f) in consultation with the County Departments of Trade and Finance put into operation schemes and projects for self-employment or regular or sheltered employment for the generation of income by persons with disabilities;
 - (g) encourage and secure the rehabilitation of persons with disabilities within their own communities and social environment;
 - (h) encourage and secure the establishment of vocational rehabilitation centres and other institutions and other services for the welfare, rehabilitation and employment of persons with disabilities;
 - (i) co-ordinate services provided in County for the welfare and rehabilitation of persons with disabilities and to implement programmes for vocational guidance and counselling;
 - (j) to assist in the registration of —
 - (i) persons with disabilities;
 - (ii) institutions, associations and organizations, including those controlled and managed by the County Government and local authorities, that provide services for the rehabilitation and welfare of persons with disabilities;

- (b) the disabilities in question was a relevant consideration in relation to the particular requirements of the type of employment concerned; or
- (c) special facilities or modifications, whether physical, administrative or otherwise, are required at the work place to accommodate the person with a disability/disabilities, which the employer cannot reasonably be expected to provide.

(3) A complaint by a person with a disability/disabilities that his employer has discriminated against him in a way which is contrary to this Act may be presented to the Employment and Labour Relations Court.

(4) Any contract for employment or for provision of goods, facilities or services, or any other agreement, shall be void insofar as it purports to deny any person any rights or privileges conferred under this Act or in any other way to limit the operation of this Act.

(5) An employer shall provide such facilities and effect such modifications, whether physical, administrative or otherwise, in the workplace as may reasonably be required to accommodate persons with disabilities.

Incentives to employers

20. A private employer who engages a person with disabilities may apply for a County tax waiver to the County Committee Executive Member responsible for Finance matters.

Record for job placement

21. (1) The Board shall establish and maintain a record of persons with disabilities who are in possession of various levels of skills and training and shall update such records regularly for the purposes of job placement.

(2) The records shall be kept in the Board's offices and will be available to the public during working days and hours.

(3) The County Committee Executive Member may provide regulations in relation to the record management.

Right not to be discriminated in a County educational institution

22. (1) No person or County learning institution shall deny admission to a person with a disability/disabilities to any course of study by reason only of such disabilities, if the person has the ability to acquire substantial learning in that course.

(2) County learning institutions shall take into account the special needs of persons with disabilities with respect to the entry requirements,

**PART IV—RIGHTS AND PRIVILEGES OF PERSONS WITH
DISABILITIES**

Rights of Persons with Disabilities

Realization of rights of persons living with disabilities

17. The County Government shall take steps to the maximum of its available resources with a view to achieving the full realization of the rights of persons with disabilities.

Right not to be discriminated in employment

18. (1) No person shall deny a person with a disabilities access to opportunities for suitable employment.

(2) A qualified employee with a disabilities shall be subject to the same terms and conditions of employment and the same compensation, privileges, benefits, fringe benefits, incentives or allowances as qualified able-bodied employees.

(3) The Board in consultation with the County Public Service Board shall endeavor to secure the reservation of five per cent of all casual and contractual positions in the County for Persons with disabilities.

Discrimination by employers prohibited

19. (1) Subject to subsection (2), no employer shall discriminate against a person with a disability/disabilities in relation to —

- (a) the advertisement of employment;
- (b) the recruitment for employment;
- (c) the creation, classification or abolition of posts;
- (d) the determination or allocation of wages, salaries, pensions, accommodation, leave or other such benefits; the choice of persons for posts, training, advancement, apprenticeships, transfer, promotion or retrenchment;
- (e) the provision of facilities related to or connected with employment; or
- (f) any other matter related to employment.

(2) Notwithstanding subsection (1), an employer shall be deemed not to have discriminated against a person with a disability/disabilities if—

- (a) the act or omission alleged to constitute the discrimination was not wholly or mainly attributable to the disabilities of the said person;

(iii) places at which services for the rehabilitation of persons with disabilities are provided; and

(iv) persons with disabilities whose condition requires constant medical attention for the purposes of availing subsidized medical services;

(k) to provide, to the maximum extent possible —

(i) assistive devices, appliances and other equipment to persons with disabilities; and

(ii) access to available information and technical assistance to all institutions, associations and organizations concerned with the welfare and rehabilitation of persons with disabilities, including those controlled and managed by the County Government;

(iii) to consult with the County Government in the formulation of suitable curricula for vocational rehabilitation centres and other training facilities for persons with disabilities within the control of the County Government; and

(iv) to make provision for assistance to students with disabilities in the form of scholarships, loan programmes, fee subsidies and other similar forms of assistance in both public and private institutions;

(l) to assess and report to the County Executive Committee Member on the welfare and rehabilitation of persons with disabilities and to advise on the relative priorities to be given to the implementation of those measures;

(m) to consult with the County Government in the provision of suitable and affordable housing for persons with disabilities;

(n) to prepare budgetary annual estimates for presentation to the Chief Officer, department of social services;

(o) generally to carry out measures for public information on the rights of persons with disabilities and the provisions of this Act;

(p) to perform such other functions in relation to the welfare and rehabilitation of persons with disabilities as the Board may deem necessary; and

(q) to perform such other functions as may be assigned to the Board under this or any other Act.

(2) Without prejudice to the provisions of subsection (1), the Board shall have power to do all things that are necessary or convenient to be

done for or in connection with the performance of its functions and in particular—

- (a) to conduct inquiries into any matter relating to the welfare and rehabilitation of persons with disabilities;
- (b) to constitute committees consisting of its members, and where necessary to co-opt experts to serve on such committees with the approval of the County Executive Committee Member;
- (c) to vest in or delegate to any committee constituted under paragraph (b) such of the functions of the Board as the Board may with the approval of the County Executive Committee Member determine; and
- (d) with the approval of the County Executive Committee Member, to engage or make other arrangements with any other person to carry out research on, or supply information on, any matter relating to the welfare and rehabilitation of persons with disabilities.

PART III—ESTABLISHMENT AND ADMINISTRATION OF THE FUND

Establishment of the Fund

13. (1) There is established the Kiambu County Persons with Disabilities Fund.

(2) The Fund shall be established as a permanent fund and the income there from shall be used for the benefit of persons with disabilities in the county.

Revenue and expenditure of the Fund

14. (1) There shall be credited to the Fund—

- (a) sums of money which may from time to time be voted by county assembly for that purpose;
- (b) sums which represent the repayment of the capital and interest of any loan granted by the Board;
- (c) any gifts, donations, grants and endowments made to the Fund; and
- (d) any sums of money borrowed by the fund with the approval of the county assembly

(2) There shall be paid out of the Fund any expenditure approved by the Board and incurred in connection with the administration of the Fund.

Use of the Fund

15. (1) The fund shall be used for—

- (a) providing assistive devices to persons with disabilities;
- (b) provide loans to groups of persons with disabilities as the Board may deem fit;
- (c) perform any other function of the Board in assisting persons with disabilities; and
- (d) meeting any expenditure related to administration of the Fund:

(2) Provided that not more than three per cent of the total monies consisting of the Fund shall be utilized for administration of the Fund.

(3) The County Executive Committee Member responsible for Finance may make regulations for the better administration of the Fund including winding up.

Administration of the Fund

16. (1) The administration and management of the Fund shall be on the Board—

- (a) the Secretary to the Board shall be the administrator to the fund.
- (b) the administrative costs of the fund shall not exceed three per cent of the total budget of the Fund.

(2) All monies received by the Fund shall be maintained in a separate bank account in the name of the Fund, opened and administered in accordance with the provisions of the Public Finance Management Act.

(3) The receipts, earnings and accruals to the Fund and the balance of the Fund at the close of each year shall be retained by the Fund for the purposes for which the Fund is established.

(4) The signatories of the Fund's bank account shall be—

- (a) the officer administering the Fund whose signature shall be mandatory; and
- (b) two persons designated by the Executive Member for the time being responsible for finance.

(5) The Executive Member responsible for Finance may from time to time issue guidelines for proper implementation of this section.