

THE CONSTITUTION OF KENYA
VIHIGA COUNTY
THE VIHIGA COUNTY FOOD AND NUTRITION BILL, 2023

ARRANGEMENT OF CLAUSES

CLAUSE

PART I- PRELIMINARY

1. Short title
2. Interpretation.
3. The Object and purpose of the Act.
4. Scope and Application of the Act.
5. Guiding Principles of nutrition in the county.

PART II- NUTRITION PLANNING AND IMPLEMENTATION IN THE COUNTY

6. Requirement for the county to have a County Nutrition Plan
7. Matters to take into account in the preparation of the departmental County Nutrition Plans
8. Implementation of Participating Departmental Nutrition Plans.
9. The guiding values in the nutrition management in the county.

PART III-FOOD AND NUTRITION MANAGEMENT IN THE COUNTY

10. Establishment of the Vihiga County Food and Nutrition Co-ordination Committee
11. Functions of the County Food and Nutrition Co-ordination Committee
12. Meetings of the County Food and Nutrition Co-ordination Committee

13. Establishment of the Inter-Departmental Food and Nutrition Consultative Committee.
14. Functions of the Inter-Departmental Food and Nutrition Consultative Committee
15. Meetings of the Inter-Departmental Food and Nutrition Consultative Committee
16. Establishment of the County Inter-Departmental Food and Nutrition Technical Committee.
17. Functions of the County Inter-Departmental Food and Nutrition Technical Committee
18. Meetings of the County Inter-Departmental Food and Nutrition Technical Committee.

PART IV- THE ROLE OF THE COUNTY EXECUTIVE COMMITTEE MEMBERS OF PARTICIPATING DEPARTMENTS , COUNTY CHIEF OFFICERS AND NONE-STATE ACTORS IN NUTRITION MANAGEMENT.

19. The roles of County Executive Committee Members of participating Departments.
20. The roles of County Chief Officers of participating Departments
21. Public engagement and the roles of non-state actors in food and nutrition management

PART V-DECENTRALIZATION OF FOOD AND NUTRITION COORDINATION TO THE SUB-COUNTY, THE WARDAND OTHER LEVELS

22. Food and Nutrition Co-ordination at the Sub-County Level

PART VII- FINANCIAL PROVISIONS

23. Sources of funds for food and nutrition management in the county
24. Expenditure of departmental food and nutrition financing.
25. Accounts and Audits

PART VIII- MONITORING AND EVALUATION

26. Monitoring and Evaluation Structures.

PART IX-NUTRITION RECORDSAND REPORTS

27. Maintenance of Food and Nutrition reports

PART IX-MISCELLENOUS PROVISIONS

28. Protection from personal liability of personnel engaged in food and nutrition management

29. Transition

30. Offences and penalties under the Act

31. Regulations

THE SCHEDULE

VIHIGA COUNTY

THE VIHIGA COUNTY FOOD AND NUTRITION BILL, 2023.

AN ACT of the Vihiga County Assembly to implement Article 43(1) and 53(1) c of the Constitution of Kenya 2010 in the county which guarantees every citizen the highest attainable standard of good health, access to adequate food of acceptable quality and freedom from hunger, to provide for food and nutrition mainstreaming, the establishment of food and nutrition coordination structures, resource mobilization, and for connected purposes;

ENACTED by the Vihiga County Assembly, as follows-

PART 1. PRELIMINARY

1. Short title and commencement.

This Act may be cited as the Vihiga County Food and Nutrition Act, 2023 and shall commence operation on the fourteenth day after publication in the Gazette.

2. Interpretation

In this Act, unless the context otherwise requires-

“budget allocation” means a percentage commitment by participating departments of their annual approved budget of at least 0.75% allocated for purposes of food and nutrition programmes under this Act;

“CIDP” means the County Intergrated Development Plan;

“Committee” means the committees established under Sections 10,13 and 16 of this Act.

“County” means the County Government of Vihiga established in accordance with Article 176 of the Constitution of Kenya 2010 and 1st Schedule.

“County Executive Committee” means the County Executive Committee of Vihiga County established pursuant to Article 179 of the Constitution as read with section 35 of the County Governments Act;

“County Executive Committee member” means a member of the County Executive Committee appointed in accordance with Section 35 of the County Governments Act and shall include the lead County Executive Committee member;

“County Chief Officer” means a County Chief Officer appointed under section 45 of the County Governments Act;

“donation” means a gift or a contribution;

“Food” includes liquid and semi liquid nourishment and drinking water and everything that originates from biological sources and water, whether processed or not, which is designated as an eatable or beverage for human consumption, including food additive material, food raw material and other materials used in the process of preparation, processing and or the making of an eatable or beverage;

“Gazette” means the Kenya Gazette or County Gazette;

“Non-state actors” means any stakeholder in the matters of food and nutrition not being a national or county government entity or officer; These include civil society organisations, faith based organisations, private sector“

“Nutrition” means the process of production, provision, accessing food necessary for health wellbeing and growth

“Food and Nutrition management ” means generally, implementation of specific and sensitive programmes and the co-ordination of nutrition activities across the County ;

“ Food and Nutrition plans” means participating departmental food and nutrition plans.

“Participating Departments” means departments of the county government that have been identified for the time being as having a higher involvement in food and nutrition programs demonstrated by the budget provision and the number of activities being undertaken and includes the county departments responsible for-

- (i) Health Services
- (ii) Agriculture, Livestock, Fisheries and Cooperatives;
- (iii) Education, science and vocational training;
- (iv) Environment, water , Energy and Natural Resources;
- (v) Finance and economic planning;
- (vi) Gender, Youth, Children, Sports and Social services; and
- (vii) Public Service Management and ICT;

3. The Object and Purpose of the Act

The Object and purpose of the Act is-

- (a) to implement Article 43 (1) and 53(1) (c) of the Constitution of Kenya 2010 in the County;
- (b) to provide for a framework for multi-sectorial and non-state actors participation in food and nutrition programs in the county;
- (c) to provide for the establishment of committees for food and nutrition management at the county, the departmental and sub-county level.
- (d) to provide for the preparation and integration of the participating departments' food and nutrition plans into the CIDP and the Mid-term development plans, county fiscal strategy plans and annual plans using the existing planning structures and time frames.
- (e) to provide for the identification of the participating departments involved in provision of food and nutrition services, the assignment of functions to the committees established under the Act and roles of the participating departments as provided in the Schedule ;
- (f) to provide for funding and resource mobilization for food and nutrition programs; and
- (g) to provide for any other matter relevant to or incidental to food and nutrition management in the county.

4. Scope and Application.

(1) This Act shall apply-

- (a) to participating departments of the County; and
- (b) all state and non-state agencies involved in food and nutrition services in the county.

(2) National and county legislation and policies governing food and nutrition management shall apply to this Act.

(3) The scope of this Act shall include but not be limited to:

- (a) Scaling up nutrition specific interventions in the County under the Department of Health as provided in the Schedule
- (b) Scaling up nutrition sensitive interventions in other participating departments as provided in the Schedule.
- (c) Resource mobilization for food and nutrition as provided under Section 23 of this Act.

5. Guiding principles of this Act in the county.

(1) In fulfilling the object of this Act, the following principles shall govern the implementation of the Act-

(a) equity and non-discrimination in physical and economic access to food;

(b) co-ordinated efforts by committees established under this Act and their full participation in related food and nutrition issues;

(c) accountability and transparency in the management of food and nutrition programs.

(e) Right of access by the public to timely and reliable information on decisions and actions taken on management of food and nutrition ;

(f) Public participation in the planning,design,implementation of food and nutrition programs in the County;

(g) Effective monitoring and evaluation; and

(h) use of appropriate technology in research, data collection, maintenance of records and reporting.

PART II- FOOD AND NUTRITION PLANNING AND IMPLEMENTATION BY THE PARTICIPATING DEPARTMENTS

6. The County Food andNutrition Plan

(1) There shall be a requirement by all participating departments to develop their respective departmental food and nutrition plans.

(2) Participating departments shall ensure departmental plans are intergrated into CIDP , Mid-term development plans, fiscal strategy paper and annual plans.

(3) The planning process shall be utilized using the existing planning structures and time frames.

(4) The participating departmental food and nutrition plans shall be the basis upon which food and nutrition interventions are coordinated, funded and implemented.

7. Matters to take into account in the preparation of the departmental County Nutrition Plans

The Participating Departmental Nutrition Plans shall include but not limited to:

(a) Scaling up nutrition specific interventions in the County under the Department of Health as provided in the Schedule

(b) Scaling up nutrition sensitive interventions in other participating departments as provided in the Schedule.

- (c) Resource mobilization for food and nutrition as provided under Section 27 of this Act
- (d) Creating an enabling environment for effective and efficient food and nutrition implementation.

8. Implementation of Participating Departmental Nutrition Plans.

(1) The Participating departments in the implementation of County Nutrition Plan shall:

- (a) individually be responsible for the implementation of the functions specified in the Schedule;
- (b) coordinate the results of the implementation of the plans with other participating departments through the Coordination Committees established under sections 10, 13, 16 of this Act and at the sub-county level.

(2) The County Executive Committee may on the request of the Coordination Committee and the recommendation of the Inter-Departmental Food and Nutrition Consultative Committee add, remove or change through Gazette Notice the name of the participating departments or realign the functions of the participating departments specified in the Schedule under the coordination of the lead department.

9. Values which shall apply and guide food and nutrition management in the county

The participating departments and other persons involved in food and nutrition management in the county shall apply and be continuously guided by the following values-

- (a) respect for citizens' culture, diversity and ethical values to the extent permissible by law;
- (b) equity and accessibility to food and nutrition;
- (c) inclusiveness of all people;
- (d) accountability;
- (e) sustainability;
- (f) honesty and integrity; and
- (g) good governance.

PART III- FOOD AND NUTRITION MANAGEMENT IN THE COUNTY

10. Establishment of the Vihiga County Food and Nutrition Co-ordination Committee.

(1) There is established the Vihiga County Food and Nutrition Co-ordination Committee which shall be the apex body in the management of the food and nutrition in the county.

(2) The Coordination Committee shall comprise-

- (a) the County Governor who shall be the chairperson;
- (b) the County secretary;

- (c) the County Executive Committee members each in charge of the participating departments responsible for matters relating to-
- (i) Health
 - (ii) agriculture;
 - (iii) education, science and vocational training;
 - (iv) environment and water;
 - (v) finance and economic planning;
 - (vi) gender, youth, sports and social services;
 - (vii) public service management and ICT; and
 - (viii) The County Attorney, who shall be an ex-officio member.

(3) The County Governor may appoint one County Executive Committee member to represent all or any of the participating departments specified in subsection (2)(d) (i) to (vii) provided that the total number of members appointed under the subsection shall not exceed twelve.

(4) The Secretary to the Coordination Committee shall be held on a rotational basis for a period of one year by the County Executive Committee Members responsible for matters relating to health and Agriculture.

(5) The Coordination Committee shall have the power to co-opt not more than two other persons to be members of the Coordination Committee and may coopt such member f based on their knowledge and expertise in matters of food and nutrition.

(6) The Secretary to the Coordination Committee shall, within three months of the Coordination Committee being constituted or reconstituted or a person becoming a member, publish the names or name of the members or member in the Gazette.

11. Functions of the Vihiga County Food and Nutrition Co-ordination Committee.

The Coordination Committee shall :-

- (a) provide leadership on food and nutrition matters across all participating departments;
- (b) oversight the implementation of the Departmental food and Nutrition Plans;
- (c) Ensure participating departments commitment of atleast 0.75% budgetary allocation is provided and mobilize external resources for nutrition interventions.
- (d) provide guidance on food and nutrition policies and legislation;
- (e) ensure nutrition mainstreaming across the county development plans;
- (f) Ensure public engagement and awareness programs on food and nutrition are undertaken across the county;

(g) Ensure Monitoring, Evaluation, Accountability and Learning across the county following each participating department's monitoring and evaluation;

(h) Ensure research and innovations are applied to food and nutrition programs, planning and implementation ;

(i) the performance of any other function related to food and nutrition and not assigned to any person by this Act.

12. Meetings and business of the Vihiga County Nutrition Co-ordination Committee

(1) The Coordination Committee shall meet at least once in every three months and may meet any other time called by the County Governor or if proposed in writing by a member and supported by one half of the members.

(2) The quorum at any meeting of the Coordination Committee shall be one half of all members.

(3) In the absence of the County Governor or County Deputy Governor, members present shall elect one from amongst the members present to chair the meeting.

(4) The Coordination Committee may invite any person to attend any of its meetings for the purpose of providing technical information if so required and such person shall not participate in deliberation of any matter before the Committee unless so invited by the Chairperson and shall not vote on any matter.

(5) Save for what is provided in this section, the Coordination Committee shall regulate its own business.

13. Establishment of the Inter-Departmental Food and Nutrition Consultative Committee.

(1) There is established an inter-Departmental Food and Nutrition Consultative Committee comprising of;

- (a) The County Executive committee Member responsible for matters related to health;
- (b) The County Executive Committee member responsible for matters related to Agriculture;
- (c) County Chief Officers of the participating departments;

(2) The County Executive committee members responsible for matters related to health and Agriculture shall be chairpersons for a period of one year each on a rotational basis.

(3) The members of the Committee shall elect a secretary from amongst the members at the first sitting.

14. Functions of the Inter-Departmental Food and Nutrition Consultative Committee.

The inter-Departmental Food and Nutrition Consultative Committee shall:-

- (a) Provide the link between the Vihiga Food and Nutrition Coordination Committee and the Vihiga County Inter-departmental Food and Nutrition Technical Committee established under Section 17 of this Act;

- (b) Ensure food and nutrition mainstreaming across the county development plans;
- (c) Ensure development and implementation of the developmental nutrition plans;
- (d) Commit at least 0.75% of own budgetary allocation for the implementation of the departmental nutrition plan:
- (e) Ensure performance by each participating departments of the functions assigned in the Schedule;
- (f) Ensure timely disbursements of the funds provided under Subsection (c) for the implementation of the departmental nutrition plan;

- (g) Submit quarterly and annual reports to the Coordination Committee;
- (h) Coordinate with the Technical Committee on external resource mobilization to ensure efficient implementation of the County Nutrition Plan and programmes.

- (i) Implement the recommendations of the coordination Committee;
- (j) Take an active role in resolving conflicts that may arise amongst the Technical Committee and at the Sub-county level; and
- (k) performance of any other responsibility assigned by the Coordination Committee.

15. Meetings of the Inter-Departmental Food and Nutrition Consultative Committee

- (1) The Consultative Committee shall hold not less than four(4) and not more than six (6) meetings in every year at such a venue and date to be notified in writing by the Secretary after consultation with chairperson.
- (2) Despite subsection (1), the Consultative Committee shall meet if so directed in writing by the Coordination Committee.
- (3) The quorum of every meeting of the Consultative Committee shall be at least one half of all the members.

16. Establishment of the Vihiga County Inter-departmental Food and Nutrition Technical Committee.

- (1) There is established by this Act the Vihiga County Inter-Departmental Food and Nutrition Technical Committee.
- (2) The Technical Committee shall comprise of-
 - (a) Directors responsible for matters relating to-
 - (i) Health Services;
 - (ii) Agriculture;
 - (iii) Veterinary Services;

(iv)Water;

(v)Education;

(vi)Gender and Social Services;

(vii)Budget and Economic Planning;

(viii)Director Office of theGovernor;

(b) The person responsible for matters relating to coordination of food and nutrition activities within the county.

(c) not more than two persons nominated by partners who are recognized and approved by the Coordination Committee as having demonstrated substantial contribution over the years to food and nutrition programs and services in the county; and

(d) Not more than two other persons co-opted by the technical committee for a period of one year on the basis of their qualification, expertise, knowledge and experience in food and nutrition

(2) The directors responsible for matters relating to health and Agriculture shall be Chairpersons on a on a one year rotational basis.

(3) The Secretary of the committee shall be the person responsible for matters relating to coordination of nutrition activities within the County.

(4) Every member of the Technical Committee shall be issued with an appointment letter signed by the chairperson and Secretary of the Food and Nutrition Coordination Committee before assuming office as member.

(5) The Technical Committee shall be reconstituted by the Food and Nutrition Coordination Committee within thirty days of the Coordination Committee being constituted or reconstituted.

17. Functions of theVihiga County Inter-departmental Food and Nutrition Technical Committee

(1)The Technical Committee shall-

a)providetechnical advice to the Food and Nutrition Consultative Committee and the Coordination Committee on all matters related to food and nutrition;

(b)prepare and ensure implementation of their respective Departmental food and Nutrition development Plans and programs;

(c)Capacity build their respective departments on matters food and nutrition.

(d)implement the decisions and directives of the Consultative Committee and the Coordination Committee;

(e) Provide linkage with other stakeholders engaged in food and nutrition programs and services in the County;

(f) Budget preparation and implementation in accordance with the respective departmental development food and Nutrition Plan;

(e) mobilize resources;

(f) Ensure timely preparation of budget and effective implementation;

(g) Ensure food and nutrition mainstreaming and intergration across the county development plans;

(h) Ensure the public is engaged in food and nutrition implementation ;

(i) prepare and submit quarterly and annual reports to the Inter-Departmental Food and Nutrition Consultative Committee for submission to the Coordination Committee ;

(k) Monitor the performance of the Food and Nutrition Plans at respective departments

(l) Provide oversight of food and nutrition programs at the sub-county level;

(m) Ensure development and implementation of a framework for participation by non-state actors in food and nutrition management in the County in consultation with the Technical Committee

(l) for the performance of other functions and exercise of other power assigned by the Coordination Committee.

(2) The technical committee shall, in the performance of the functions assigned by this Act, be responsible to the Coordination Committee through their respective County Executive Member.

18. Meetings of the Technical Committee

(1) The Technical Committee shall hold not less than four (4) and not more than six(6) meetings in every year at such a venue and date to be notified in writing by the Secretary after consultation with chairperson.

(2) Despite subsection (1), the Technical Committee shall meet if so directed in writing by the Coordination Committee.

((rotational basis)(4) The quorum of every meeting of the Technical Committee shall be at least one half of all the members.

(5) Save for what is provided in this section, the Technical Committee shall regulate its own business.

PART IV-THE ROLE OF THE COUNTY EXECUTIVE COMMITTEE MEMBERS OF PARTICIPATING DEPARTMENTS , COUNTY CHIEF OFFICERS AND NONE-STATE ACTORS IN FOOD AND NUTRITION MANAGEMENT.

19. The roles of County Executive Committee Members of participating Departments

(1) The County Executive Committee Members of the participating departments shall be responsible to the Coordination Committee for-

- (a) the provision of the required link between the Departmental Nutrition Consultative committee Coordination Committee and the Technical Committee;
- (b) communication to the Departmental Nutrition Consultative committee and the Technical Committee of the decisions of the Coordination Committee;
- (c) coordination of respective departments food and nutrition plans;
- (d) Ensuring that reports are submitted to the Food and Nutrition consultative committee and Coordination Committee.
- (e) Oversight of implementation of respective departmental food and nutrition plans and budgetary allocation and utilization ; and
- (f) performance of other responsibilities directed by the Coordination Committee.

(2) The County Executive Committee Members of the participating departments may, for the better performance of the responsibilities assigned by this section, seek the support of the County Secretary and Head of County PublicService.

20. The roles of County Chief Officers of the participating departments

(1) County Chief Officers shall be individually and collectively responsible for-

- (a) ensuring the performance by their respective departments, of the functions assigned in the Schedule;
- (b) ensuring that there is set aside in the annual budget estimates of at least 0.75% of the annual budgets of the departments for the implementation of nutrition plans in their respective departments ;
- (c) ensuring timely disbursements of the funds budgeted for the implementation of nutrition to the respective food and nutrition programs and services;
- (d) oversight of nutrition management in the respective departments;
- (e) internal monitoring and evaluation of nutrition management programs and services;
- (f) Submission of respective reports to the coordination Committee on the performance of their food and Nutrition plans; and
- (g) performance of any other responsibility assigned by the Coordination Committee.

(2) Reference to County Chief Officer in this section is a reference to the County Chief Officer of the participating departments.

21. Public engagement and the roles of none-state actors in food and nutrition management

(1) The Inter-Departmental Food and Nutrition Consultative Committee shall in consultation with the Technical Committee and with the approval of the Coordination Committee develop and implement a framework for participation by non-state actors in food and nutrition management in the county.

(2) The technical committee shall develop the framework for participation by non-state actors in food and nutrition management in the county.

(3) The framework for participation developed under subsection (1) shall include a social accountability framework in which the none-state actors shall take a leading role in-

(a) strengthening organized public groups or community-led nutrition champions;

(b) targeting effective public participation and civic engagement in planning and implementation of food and nutrition programmes;

(c) ensuring responsive and accountable governance systems by providing an enabling environment for the voices of the citizens to be heard;

(d) enhancing access to nutrition information through mass media;

(e) enhancing public expenditure tracking and social audit; and

(f) strategic direction for reformed resource mobilization and delivery models which shall guarantee continuous financial and material support by partners engaged in the food and nutrition management in the county.

PART V-DECENTRALIZATION OF FOOD AND NUTRITION COORDINATION TO THE SUB-COUNTY, THE WARD AND OTHER LEVELS

22. Food and Nutrition Coordination at the Sub-County , the ward and other levels;

(1) The Co-ordination Committee shall implement appropriate measures to ensure that food and nutrition coordination is decentralized to the sub-county, the ward and levels.

(2) In implementing the measures referred to in subsection(1) of this section, the Coordination Committee shall-

(a) as far as is possible, retain the structures of coordination if any by a departments which is in existence on the date of commencement of this Act for purposes of the decentralization envisaged in this section;

(b) call for and receive the advice of the Technical Committee before and when decentralizing coordination of food and nutrition to the ward and other levels; and

(c) design an operational framework to be applied in order to eliminate or minimize instances of duplication of activities or conflicts between the departments and to ensure consistency in the maintenance of records and reporting from the wards and other levels.

(3) Despite any provision of this section, the departments with existing structures for food and nutrition coordination at the sub-county, ward and other levels, may set up such food and nutrition committees on a need basis as may be prescribed in the regulations made under this Act.

PART VI-FINANCIAL PROVISIONS

23. Sources of funds for food and nutrition management in the county.

(1) The sources of funds for the food and nutrition management in the county shall include-

(a) monies appropriated by the County Assembly for the participating departments in the annual estimates which shall be not less than 0.75% of the total annual budget of the respective department

(b) cash, gifts and other material contributions of donations from development partners and other well-wishers;

(c) fees, charges and other monies realized in the course of implementation of nutrition management and programs in the county;and

(e) any other monies which come into the food and nutrition management from lawful sources.

(2) All monies allocated by the departments and appropriated by the County Assembly in the annual budget shall not be utilized on any other activity other than the food and nutrition programs and services provided in the respective departmental Nutrition plans under this Act.

(3) All monies received by the county for food and nutrition related activities from partners shall be governed by the PFM Act.

(4) Any person who is convicted of an offence under this Act or other law related to diversion or unauthorized utilization of the funds including stock and other materials meant for food and nutrition management in the county shall be liable, in addition to any other penalty prescribed by law, to refund the food and nutrition funds diverted or wrongfully utilized together with such penalties as the Coordination Committee shall prescribe.

24. Expenditure of departmental food and nutrition financing

(1) All monies allocated for, accruing on account of and expensed on food and nutrition for the departmental food and nutrition plans shall be governed under the PFM Act and PPAD, 2015.

25. Accounts and Audits

(1) The County Chief Officers of the participating departments shall maintain accurate books of account for monies used for food and nutrition interventions in accordance with the prescribed accounting standards

(2) The books of account maintained under this section shall be available for audit in accordance with the provisions of the Public Audit Act No. 12 of 2003.

PART VII-MONITORING AND EVALUATION

26. Monitoring and Evaluation Structures

Monitoring and Evaluation of the food and nutrition programmes and interventions will utilize existing county monitoring and evaluation structures provided under each participating departments.

PART VIII-NUTRITION RECORDS AND REPORTS

27. Maintenance of Food and Nutrition records and reports

There shall be maintained Food and Nutrition records and reports of the food and nutrition programmes and interventions which shall utilize the already existing county records and report structures provided under each participating departments.

PART X-MISCELLANEOUS

28. Protection from personal liability of personnel engaged in food and nutrition management

Any person including a member of a committee or team involved in the food and nutrition management in the county shall not be held personally liable for anything done or omitted to be in connection with the discharge of a function under this Act or implementation of nutrition programs or delivery of nutrition service if what is complained of arose from good faith in honest discharge of the function by the person.

29. Transition

If any program or service related to nutrition was being undertaken or delivered in the county prior to the commencement of this Act, the program or service shall continue to be undertaken or delivered under this Act as though the undertaking or delivery of the service was commenced under this Act.

30. Offences and penalties under the Act

Subject to Section 27(4), any person who violates any provision of this Act that creates an offence shall be guilty of an offence and liable on conviction to a fine not exceeding two hundred thousand shillings or to a term of imprisonment not exceeding two years or both.

31. Regulations

The County Executive Member responsible for lead department taking into account the views of the lead departments may make regulations taking into account for the better bringing into effect the provisions of this Act including regulations for-----

- (i) Conduct of the business of ward and sub-county nutrition committees
- (ii) The operational and reporting guidelines for the monitoring and Evaluation Special Committee.

THE FIRST SCHEDULE

FUNCTIONS OF THE DEPARTMENTS.

PART I- DEPARTMENT OF HEALTH SERVICES

- (a) Ensure departmental budgetary allocation of at least 0.75% of the lead department budget.
- (b) Participation in Coordination mechanism
- (c) Contribute in the development of County development plans.
- (d) Development of county nutrition plans.
- (e). Intra and extra Resource mobilization for nutrition.
- (f) Monitoring, Evaluation accountability and learning.
- (g) Research and innovation.
- (h) Coordinating the implementation of the nutrition policy.
- (i) Provide technical support to nutrition sensitive sectors to ensure the plans are implemented.
- (j) Support the implementation of nutrition specific interventions.

PART II-DEPARTMENT OF AGRICULTURE

- (a) Ensure a budgetary allocation of at least 0.75% of the total departmental budget towards nutrition sensitive activities
- (b) Promote production and consumption of indigenous foods.
- (c) Promote consumption of nutritious foods.
- (d) Promote production of edible fungi (mushrooms).

(e) Enhance safety of foods at all levels across the value chain.

(f) Promote food classification, specifically consumption of animal based food crops.

PART III- DEPARTMENT OF EDUCATION.

(a) Include nutrition sensitive activities in the Annual work plan and CIDP (school feeding program, promoting school gardens,

(b) Include nutrition education in the school curriculum.

(c) Promote Water and Sanitation Health (WASH) in schools.

(d) Ensure a budgetary allocation of at least 0.75% of the total departmental budget towards nutrition sensitive activities.

(e) Participate in multi-sectorial coordination forums to ensure children issues on nutrition sensitive activities are voiced.

(f) Leveraging on strategic partnership to increase financing for children sensitive nutrition activities.

PART IV-DEPARTMENT OF ENVIRONMENT AND WATER.

(a) Ensure a budgetary allocation of at least 0.75% of the total departmental budget towards nutrition sensitive activities

(b) Improve access to clean and safe water.

(c) Educate residents on the importance of water harvesting.

(d) Promote Water and Sanitation Health (WASH) within the county.

PART V-DEPARTMENT OF GENDER

(a) Include nutrition sensitive activities in the Annual work plan and CIDP.

(b) Ensure a budgetary allocation of at least 0.75% of the total departmental budget towards nutrition sensitive activities.

(c) Participate in multi-sectorial coordination forums to ensure gender issues on nutrition sensitive activities are voiced.

d) Leveraging on strategic partnership to increase financing for gender sensitive nutrition activities.

PART VI- DEPARTMENT OF FINANCE

(a) Ensure a budgetary allocation of at least 0.75% of the total departmental budget towards nutrition sensitive activities

(b) Setting up of an integrated resource mobilization system for nutrition intervention.

(c) Ensure the line and lead departments have allocated atleast 0.75% of their total departmental budget in their respective departmental budget.

(d) Ensure that the money budgeted for towards food and nutrition management has been expended for the intended purpose.

PART VI-PUBLIC SERVICE MANAGEMENT AND ICT

(a)Coordination of public participation, information and communication to the public, County assembly and other internal and external stakeholders.

(b)Liaison and linkage between the County executive and the County Assembly.

(c)Human resource management and development in nutrition related skills

(d)Administrative coordination mechanism in the sub-counties and wards

(e)ICT Directorate will be an enabler across all departments in terms of automation of processes, documentation, storage, stock management and access to nutrition related data.

(f)ICT Directorate to utilize GIS technology in mapping and tracking of nutrition beneficiaries.

(g)ICT Directorate to provide technical support to Departments on IT requirements including capacity building.

(h)Create enabling response mechanism to and from the public on performance of nutrition services.

(i) Ensure a budgetary allocation of at least 0.75% of the total departmental budget towards nutrition sensitive activities.