

SPECIAL ISSUE

Kenya Gazette Supplement No 21 (Tharaka Nithi County Acts No 3)



REPUBLIC OF KENYA

NATIONAL COUNCIL FOR
LAW REPORTING
LIBRARY

KENYA GAZETTE SUPPLEMENT

THARAKA NITHI COUNTY ACTS, 2020

NAIROBI, 8th January, 2021

CONTENT

Act—

PAGE

The Tharaka Nithi County Youth Empowerment Act 2020

1

**THE THARAKA NITHI COUNTY YOUTH EMPOWERMENT
ACT, 2020**

No 3 of 2020

Date of Assent 15th December, 2020

Date of Commencement 8th January, 2021

ARRANGEMENT OF SECTIONS

PART I—PRELIMINARY

Section

- 1—Short title
- 2—Interpretation
- 3—Object and purpose of the Act

PART II—CAPACITY BUILDING

- 4—Capacity building programs
- 5—Talent Development

**PART III—ESTABLISHMENT AND ADMINISTRATION OF THE
FUND**

- 6—Establishment of the Fund
- 7—Fund Manager
- 8—Purpose of the Fund
- 9—Opening of a Bank Account
- 10—Disbursement of the Fund
- 11—Establishment of the Committee
- 12—Removal from office
- 13—Vacation of office
- 14—Functions of the Committee
- 15—Meetings of the Committee
- 16—Youth Officer
- 17—Appointment of Financial Institution

PART IV—ACCESS AND UTILIZATION OF THE FUND

- 18—Application procedure
- 19—Eligibility for accessing the Fund

20—Loan repayment

21—Utilization of the Revolving Fund

22—Partnership

23—Periodic forum

24—Winding Up of the Fund

25—Establishment of Needs Assessment Program

PART V—MISCELLANEOUS PROVISIONS

26—Offences and penalties

27—Regulations

**THE THARAKA NITHI COUNTY YOUTH EMPOWERMENT
ACT, 2020**

AN ACT of the County Assembly of Tharaka Nithi to empower, improve and develop the youth as well, as establishing a fund to provide access to capital and financing facilities through loans, grants and for connected purposes

, **ENACTED** by the County Assembly of Tharaka Nithi, as follows —

PART I —PRELIMINARY

Short title

1 This Act may be cited as the Tharaka Nithi County Youth Empowerment Act, 2020

Interpretation

2 In this Act, unless the context otherwise requires —

“Chief Officer” means Chief Officer in charge of Youth Affairs,

“Constitution” means the Constitution of Kenya, 2010,

“County Executive Committee Member” means County Executive Committee Member responsible for Youth Affairs,

“Department” means the Department of Youth Affairs,

“Fund” means the Tharaka Nithi County Youth Empowerment Fund,

“Government” means County Government of Tharaka Nithi,

“Grantee” means an applicant whose grant has been approved and granted under this Act,

“Group” means active youth groups registered for a period of six months with seventy-percent (70%) of its members being youth,

“Youth” means the collectivity of all individuals in the county who have attained the age of eighteen years but have not attained the age of thirty-six years,

“Youth Officer” means the County Officer-in-charge of Youth Affairs,

“Talent Development Facilities” includes performing arts studio, games and sporting facilities, innovation centers among others

Object and purpose of the Act

3 This Act seeks to serve the following objectives—

No 3 *Tharaka Nithi County Youth Empowerment* **2020**

- (a) to unlock youth potential for sustainable wealth creation and development,
- (b) to promote an entrepreneurial culture,
- (c) to facilitate access to business development services by micro, small and youth owned enterprises,
- (d) to provide funds for financing youth groups, small and micro - enterprises through grants and low interest loans with a view of value addition amongst other activities as may be prescribed,
- (e) to provide funds to support, revive and initiate micro-enterprises owned by the youth in sectors that can have an immediate impact to household income,
- (f) to attract and facilitate investment in economic sectors that have linkages to micro, small and medium enterprises that benefit the youth,
- (g) to facilitate formalization and upgrading of informal micro and small enterprises,
- (h) to enhance the capacity of the youth in the identification, planning, and implementation of sustainable socio-economic activities,
- (i) to promote youth entrepreneurship through empowerment programs such as training,
- (j) to enhance collaboration and partnership with the stakeholders for sustainable development,
- (k) to uplift the standard of living among the youth by ensuring that the youths enjoy equal rights, opportunities and a dignified life
- (l) to ensure that Youth empowerment Services are decentralized throughout the County

PART II— CAPACITY BUILDING

Capacity building programs

4 The County Executive Committee Member shall make concerted effort to equip the youth with necessary knowledge, skills, values and attitudes on socio-economic and political dynamics of their lives This includes—

- (a) offering training sessions to the youth on myriad areas of socio-economic empowerment,
- (b) enhancing capacity of the youth to improve their living standards,

- (c) providing civic education on various aspects of social life for the youth,
- (d) fostering the culture of entrepreneurship and financial management,
- (e) partnering with various stakeholders in order to initiate programs that develop the youth, and
- (f) mobilizing resources for youth activities

Talent Development

5 The Government shall, in collaboration with other stakeholders, promote talent development for the youth through—

- (a) improved accessibility to talent development facilities in schools, communities, villages and provide them with trained personnel to assist in identifying and developing youth talents,
- (b) promotion of cultural arts as a way of recreation and culture preservation,
- (c) encourage youth representation in arts and sports decision-making bodies,
- (d) rehabilitation of talent development infrastructure,
- (e) professional coaching and training of talent development actors,
- (f) equipping talent development centers with adequate facilities, and
- (g) development of artistic works and talent promotion

PART III— ESTABLISHMENT AND ADMINISTRATION OF THE FUND

Establishment of Youth Empowerment Fund

6 (1) There is hereby established a Fund to be known as the Tharaka Nithi County Youth Empowerment Fund

(2) The Fund shall be utilized, to empower the youth, in the way and manner provided under this Act

(3) The Fund shall consist of —

- (a) monies allocated and appropriated by the County Assembly of Tharaka Nithi,
- (b) sums received as contributions, donations, endowments, gifts or grants,
- (c) refunds from any institution duly paid into the Fund,

- (d) monies paid into the Fund as fees or charges,
- (e) monies earned or realized from any investment of the Fund,
- (f) monies from any other lawful sources accruing to the Fund, or
- (g) such other monies as may be payable or vested in the Fund

Fund Manager

7 The Fund shall be administered by the Chief Officer-in-charge of the Department

Purpose of the Fund

8 The Fund shall be appropriated for the purpose of—

- (a) providing access to capital and financial facilities to micro, medium and small enterprises owned by youths,
- (b) providing access to capital and financial facilities to the youth groups and organizations,
- (c) spurring socio-economic development for the youth,
- (d) supporting youth groups and enterprises to develop linkages with larger enterprises, national and international development partners,
- (e) marketing products and services of small and medium enterprises for the youth,
- (f) supporting entrepreneurship training for micro and medium enterprise to groups benefitting from the Fund,
- (g) support rehabilitation of youths who are affected by drug and substance abuse, or
- (h) establishment and maintenance of talent development facilities

Opening of a Bank Account

9 (1) 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, 2012 and regulations made under the Act

(2) The bank account shall be managed by —

- (a) Chief Officer in charge of Youth Affairs who shall be the mandatory signatory,

- (b) representative of the County Treasury appointed by the County Executive Committee Member in charge of matters relating to Finance, and
- (c) the County Officer-in-charge of youth affairs

Disbursement of the Fund

- 10 The funds may be given out regularly within the financial year—
- (a) the funds may be disbursed into accounts of duly registered youth groups and enterprises,
 - (b) the funds may be issued to youth groups or group representatives who may apply for training that are intended to improve the achievement of the group goals and objectives,
 - (c) the funds may be used to financially support youth going for training when the total expenses of the course do not exceed the prescribed amount,
 - (d) the funds may be used to purchase equipment geared towards economic empowerment activities for duly registered youth groups,
 - (e) the funds shall not be used to fund community-based projects other than the approved youth groups projects,
 - (f) the administrative cost shall not exceed ten-percent of the funds revenue for the year,
 - (g) the training cost shall not exceed ten-percent of the funds revenue for the year,

Establishment of the Committee

11 (1) There is established a Committee to be known as the Tharaka Nithi County Youth Empowerment Fund Committee which shall consist of —

- (a) the Chief Officer who shall be the Committee Secretary,
- (b) Youth Officer,
- (c) one youth representative from each sub -county, and
- (d) a youth representative of persons with disabilities,

(2) The appointing authority for the membership of the Committee shall vest with the County Executive Committee Member responsible for Youth Affairs in consultation with the Governor,

(3) The County Executive Committee member shall appoint the Chairperson from person appointed under section 1 (c) and (d) other members of the Committee considering —

- (a) gender balance,
- (b) regional and religious balance, and
- (c) other requirements on appointments as per the Law

(4) The Committee Chairperson and other members apart from the Youth officer and the Chief Officer shall hold office for a period of three consecutive years and may be eligible for re-appointment once

Removal from Office

12 (1) A member of the committee may be removed from office for—

- (a) violation of the Constitution or any other law,
- (b) gross misconduct, whether in the performance of the member's functions or otherwise,
- (c) physical or mental incapacity to perform the functions of the office, or
- (d) incompetence or neglect of duty

(2) The County Executive Member may terminate the appointment of a member of the Committee, on any of the grounds specified under subsection (1)

Vacation of Office of a Member

13 (1) The office of a member of the Committee shall fall vacant—

- (a) upon death of a member,
- (b) if a member has been adjudged bankrupt,
- (c) if a member has been committed to jail for a period of six months,
- (d) resignation,
- (e) removal from office pursuant to provisions of section 12, and
- (f) through a vote of no confidence by at least two thirds of the members of the Committee

(2) Upon an office of a member becoming vacant, the Secretary shall forthwith notify the County Executive Committee member within two weeks

(3) Upon receiving the notification stated under sub - section (2) the County Executive Member shall make such appointment to make a replacement within twenty-one days

Functions of the Committee

14 The Committee shall be responsible for—

- (a) advising the Executive Member on the appropriate guidelines and procedures for implementation of the Act and for better management of the Fund,
- (b) reviewing and considering the applications recommended by the youth officers on utilization of the Fund,
- (c) preparing annual report on the implementation of the Act for transmission to the Executive Member,
- (d) advising the Executive Member generally on implementation of this Act, and
- (e) carrying out any other functions as may be assigned by the Executive Member

Meetings of the Committee

15 (1) The Chairperson shall convene and preside over the Committee meetings

(2) In the absence of the Chairperson, the vice chairperson or in the absence of both, any other member appointed by the Committee members shall convene and preside over the Committee meetings

(3) The quorum for the meeting shall be two thirds of the members

Youth Officer

16 (1) There is established an office of the Youth Officer

(2) The functions of the youth officer shall be—

- (a) receiving and reviewing applications for funding under this Act,
- (b) recommending to the Committee the applicants who shall be considered for funding under this Act,
- (c) assisting in monitoring and evaluating the progress and performance of the micro and small enterprises supported under this Act,
- (d) creating awareness among the residents of the sub county about the Fund and mobilizing potential beneficiaries under this Act,

No 3 Tharaka Nithi County Youth Empowerment 2020

- (e) advising the Committee such projects that may be funded by County,
- (f) facilitating the Committee in the implementation of the Act in the county, and
- (g) carrying out such other roles as are necessary for the implementation of the object of this Act, and perform such other functions as may, from time to time, be assigned by the County Executive Member

Appointment of Financial Institution

17 The County Executive Committee in charge of matters relating to Finance may, appoint a financial institution to administer the Fund on behalf of the county government for the purpose managing grants and low interest loans applications, disbursements, repayments and recovery on such terms and conditions as may be agreed upon by the county executive committee and the financial institution

PART IV—ACCESS AND UTILIZATION OF THE FUND**Application Procedure**

18 All applications shall be in accordance with a prescribed format as set by the Committee

Eligibility for accessing the Fund

19 (1) For a group to be eligible for accessing grants low-interest loans and other forms of financial assistance under this Act, the group must be comprised of—

- (a) at least seventy percent of members shall be youth, and
- (b) operating a micro or small enterprise business within Tharaka Nithi County

Loan repayment

20 (1) The Committee shall, in consultation with the County Executive Member, establish low interest loan and grants repayment conditions

(2) Where an applicant granted low interest loan under this Act defaults on repayment, the committee or a financial institution appointed under this Act may adopt such interest low loan recovery measures as may be prescribed

Utilization of the Revolving Fund

21 (1) A low-interest and grants loan granted under this Act shall only be utilized for financing an enterprise or business undertaking that are approved by the committee at the time of application for low - interest loan

(2) A group which utilizes the low interest loan and grants granted under this Act in non-enterprise or business undertaking that are not approved by the Committee may be disqualified from accessing any other low-interest loan or grants under this Act and the Committee may recall the low-interest loan or grants disbursed

(3) Notwithstanding subsection (1), a group may, with the approval of the committee engage in any other enterprise or business other than the approved enterprise

Partnership

22 The County Government may collaborate, consult or enter into partnership with other government agencies or private entity for the purposes of implementing this Act

Periodic forum

23 (1) The Committee shall in consultation with the Executive Member, convene periodic forums for all beneficiaries and potential beneficiaries under this Act which may be held at the Ward, sub county or county levels

(2) The forum shall provide a platform for—

- (a) reviewing and evaluating the implementation of the Act,
- (b) providing learning opportunities for business or enterprises, and
- (c) exposing beneficiaries under this Act to investors

Winding Up of the Fund

24 In the event of winding up of the Fund, the cash balances shall be transferred to the account designated by the County Treasury while other assets of the Fund shall be transferred to the County Government

Establishment of Needs Assessment Program

25 The Department in charge of youth affairs in the implementation of programs under this Act shall perform the following—

- (a) identify youth concerns, needs, priorities, constraints and opportunities in the County,

No 3 *Tharaka Nithi County Youth Empowerment* **2020**

- (b) ensure that youth needs, concerns and priorities are integrated in the implementation of this Act,
- (c) identify capacity needs and design appropriate sector specific for capacity building programs, and
- (d) develop annual work plans for youth empowerment in line with the department's programs

PART V—MISCELLANEOUS PROVISIONS

Offences and penalties

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

- (a) makes an application for grant or low- interest loan on the basis of false statements made in the application whether orally or in writing relating to any matter affecting a request for a grant or low interest loan, or
- (b) upon being granted a loan or a grant and is subsequently required to answer any questions, furnish any information or particulars or produce any document or paper relating to the grant or low - interest loan amount and use thereof, neglects or fails to do so without reasonable cause or furnishes false information or information aimed at misleading the Committee,
- (c) discriminates directly or indirectly against a person on any ground, including race, sex, pregnancy, marital status, health status, ethnic or social origin, colour, age, disability, religion or culture,
- (d) fails to comply with regulations made under this Act,

(2) A person who is convicted of an offence under subsection (1) is liable to a fine not exceeding fifty thousand shillings or to imprisonment for a term not exceeding one year or to both such fine and imprisonment

(3) A person found guilty of an offence under this section may in addition to the penalty imposed by the court be ordered to pay the party injured by the offence such sums of money in compensation as the court may deem appropriate

Regulations

27 The County Executive Committee Member may issue regulations generally for the better carrying out of the provisions of this Act, and without prejudice to the foregoing, may issue regulations in respect of the following—

- (a) the operationalization of the Committee,

2020*Tharaka Nithi County Youth Empowerment***No 3**

- (b) the receipt, processing and approval of applications for grants and low interest to applicants,
- (c) the preparation and maintenance of grantee's records,
- (d) the withdrawal, recovery and cancellation of grants and low interest loans, and
- (e) the waiver or exemption from repayment of low interest loans