

**COUNTY GOVERNMENT OF KITUI**



**COUNTY ASSEMBLY  
THIRD ASSEMBLY – (THIRD SESSION)**

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**JOINT COMMITTEE OF THE SELECT COMMITTEE ON DELEGATED COUNTY  
LEGISLATION AND  
SECTORAL COMMITTEE ON JUSTICE AND LEGAL AFFAIRS**

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**REPORT ON THE CONSIDERATION OF KITUI COUNTY PUBLIC FORUMS  
(IMPLEMENTATION)(AMENDMENT) GUIDELINES, 2024**

**(LN. NO. 1 OF 2024)**

**CLERK'S CHAMBERS  
COUNTY ASSEMBLY BUILDINGS,  
KITUI.**

**AUGUST, 2024**

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## ABBREVIATIONS

<b>CASB</b>	County Assembly Service Board
<b>LN</b>	Legal Notice
<b>PWLD</b>	People Living with Disabilities
<b>RMA</b>	Regulatory Making Authority
<b>SI</b>	Statutory Instruments
<b>SO</b>	Standing Order

## LIST OF ANNEXURES

1. Adoption schedule.
2. Kitui County Public Forums (Implementation)(Amendment) Guidelines, 2024 LN.  
No. 1 of 2024
3. Explanatory Memorandum.
4. Newspaper advert.
5. Minutes of Committee sitting on the consideration of the Guidelines.

## CHAIRPERSON'S FORWARD

The Kitui County Public Forums (Implementation)(Amendment) Guidelines, 2024 (the Guidelines) were made vide LN No. 1 of 2024, pursuant to powers conferred on the Kitui County Assembly Service Board by Section 24 of the Kitui County Ward Public Forums Act, 2019 hence, is a statutory instrument within the meaning of Section 2 of the Statutory Instruments Act, 2013.

The Guidelines were published in the Gazette as LN No. 1 of 2024 on 30<sup>th</sup> July, 2024, forwarded to the Clerk of Assembly and laid on the table of the House on 31<sup>st</sup> July, 2024 being the second sitting day since publication, hence met the Statutory Instruments timelines contemplated by section 11(1) of the Statutory Instruments Act. They were subsequently referred to the Joint Committee on Delegated County Legislation and that of Justice and Legal Affairs for consideration. The Joint Committee retreated to Mutomo Highway Cottages in Mutomo, Kitui from 1<sup>st</sup> to 3<sup>rd</sup> August, 2024 to consider them.

The purpose of these Guidelines is to amend paragraph 15 (3) and (4) of the Kitui County Public Forums (Implementation) Guidelines, 2020 by increasing both the figures and the words from Kenya shillings Three hundred thousand (Ksh. 300, 000) to Kenya shillings Four hundred and Fifty thousand (ksh. 450, 000) per quarter and further increasing the figures and words from Kenya shillings One hundred thousand (Kshs. 100, 000) to Kenya Shilings One hundred and Fifty thousand (Kshs. 150, 000) per month for each quarter.

Pursuant to Section 16 of the Statutory Instruments Act, 2013 which requires the Committee to confer with the Regulation Making Authority before making its decision, the Joint Committee held a joint meeting with the Kitui County Assembly Service Board on 6<sup>th</sup> August, 2024 to deliberate on the Guidelines.

Having examined the Kitui County Public Forums (Implementation)(Amendment) Guidelines, 2024, Legal Notice No. 1 of 2024, the Joint Committee recommends that the House **APPROVES** the **Kitui County Public Forums (Implementation)(Amendment) Guidelines, 2024, LN. No. 1 of 2024** for operations by the Kitui County Assembly Service Board.

I wish to sincerely thank the offices of the Speaker and the Clerk of Assembly for their invaluable support accorded to the Joint Committee in the discharge of their mandates.

On behalf of the Members of the Joint Committee on Delegated County Legislation and that of Justice and Legal Affairs and pursuant to Standing Order 189 (4) (a) it is my pleasure and duty to present to the House, the Joint Committee's Report on the Consideration of the Kitui County Public Forums (Implementation)(Amendment) Guidelines, 2024 (LN. No. 1 of 2024).

Signed.......... Date.....03/08/2024.....

**HON. CORNELIUS NGUMBAU MUTHAMI, M.C.A**  
**(CHAIRPERSON)**  
**COMMITTEE ON DELEGATED COUNTY LEGISLATION**

Signed.......... Date.....03/08/2024.....

**HON. CYRUS KISAVI MUSYOKA, M.C.A**  
**(CHAIRPERSON)**  
**COMMITTEE ON JUSTICE AND LEGAL AFFAIRS**

## **1.0. PREFACE**

### **1.1. The Establishment and Mandate of the Committees**

1. The select Committee on Delegated County Legislation is established under Standing Order No. 189 and is mandated to consider Statutory Instruments submitted to the County Assembly for consideration. Whereas the Committee on Justice and Legal Affairs is established under Standing Order 190 and is mandated to Consider matters on the Constitutional Affairs, Administration of Law and Justice and Look into matters touching the Elections, Ethics, Integrity and Anti-corruption and Human Rights.
2. During the scrutiny, the Joint Committee was guided by the principles of good governance and the rule of law to consider whether the Statutory Instrument-
  - a) is in accordance with the provisions of the Constitution, the Act pursuant to which it is made or other relevant written law;
  - b) infringes on fundamental rights and freedoms of the public;
  - c) contains a matter which in the opinion of the Committee should more properly be dealt with in an Act of the County Assembly;
  - d) contains imposition of taxation;
  - e) directly or indirectly bars the jurisdiction of the Courts;
  - f) gives retrospective effect to any of the provisions in respect of which the Constitution or the Act does not expressly give any such power;
  - g) involves expenditure from the County Revenue Fund or other public revenues;
  - h) is defective in its drafting or for any reason the form or purport of the statutory instrument calls for any elucidation;
  - i) appears to make some unusual or unexpected use of the powers conferred by the Constitution or the Act pursuant to which it is made;
  - j) appears to have had unjustifiable delay in its publication or laying before County Assembly;
  - k) makes rights, liberties or obligations unduly dependent upon non-reviewable decisions;
  - l) makes rights, liberties or obligations unduly dependent insufficiently defined administrative powers;
  - m) inappropriately delegates legislative powers;

- n) imposes a fine, imprisonment or other penalty without express authority having been provided for in the enabling legislation;
  - o) appears for any reason to infringe on the rule of law;
  - p) inadequately subjects the exercise of legislative power to County Assembly scrutiny; and
  - q) accords to any other reason that the Committee considers fit to examine.
3. Standing Order 189 (4) provides that;

If the Committee-

- i. resolves that the Statutory Instrument, be acceded to, the Clerk shall convey that resolution to the relevant county department or the authority that published the Statutory Instrument;
- ii. does not accede to the Statutory Instrument, the Committee may recommend to the Assembly to resolve that all or any part of the Statutory Instrument be annulled; and
- iii. If a resolution is passed by the House within twenty-eight days on which it next sits after the instrument laid before it under paragraph (2), that all or part of the Statutory Instrument be annulled, the instrument or part thereof shall henceforth stand annulled.

## **1.2. COMMITTEE MEMBERSHIP**

4. The Select Committee on Delegated County Legislation and Sectoral Committee on Justice and Legal Affairs comprises the following members respectively:

### **A. Committee on Delegated County Legislation**

- |                                   |                    |
|-----------------------------------|--------------------|
| 1. Hon. Cornelius Ngumbau Muthami | – Chairperson      |
| 2. Hon. Mary Mbithe Musili        | – Vice chairperson |
| 3. Hon. Daniel Ngoima Kimanzi     | – Member           |
| 4. Hon. Dr. Erastus Musyoka Mbuno | – Member           |
| 5. Hon. Cyrus Kisavi Musyoka      | – Member           |
| 6. Hon. Nzavu Mwanzia             | – Member           |
| 7. Hon. Boniface Kyalo Kimuli     | – Member           |
| 8. Hon. Sammy Musili Munyithya    | – Member           |
| 9. Hon. Charity Syomiti Mwangangi | – Member           |



- 10. Hon. Ciambutra Karigi – Member
- 11. Hon. Grace Syoindo Mulandi – Member

**B. Committee on Justice and Legal Affairs**

- 1. Hon. Cyrus Kisavi Musyoka - Chairperson
- 2. Hon. Deborah Mutuku - Vice Chairperson
- 3. Hon. Sylvester M. Kitheka - Member
- 4. Hon. Benjamin Mulandi - Member
- 5. Hon. Dominic N. Ishmael - Member
- 6. Hon. Nicholus Mutemi - Member
- 7. Hon. Nzungi Ngwele - Member
- 8. Hon. Stephen Ileve Katana - Member
- 9. Hon. Mary Ndumbu - Member
- 10. Hon. Jacinta Mwoni - Member
- 11. Hon. Grace Mulandi - Member

**1.3. Joint Committee Secretariate**

5. The Committee is facilitated by the following staff;

- 1. David Manzi- Clerk Assistant
- 2. Esther Kitavi- Research Officer

**2.0 CONSIDERATION OF THE KITUI COUNTY PUBLIC FORUMS (IMPLEMENTATION)(AMENDMENT) GUIDELINES, 2024 (LN. NO. 1 OF 2024)**

**2.1 Introduction**

6. The Kitui County Public Forums (Implementation)(Amendment) Guidelines, 2024, LN. No. 1 of 2024 were made pursuant to powers conferred on the Kitui County Assembly Service Board by Section 24 of the Kitui County Ward Public Forums Act, 2019 hence, a Statutory Instrument within the meaning of Section 2 of the Statutory Instruments Act, 2013.

7. The Guidelines were published in the Gazette as LN. No. 1 of 2024 on 30<sup>th</sup> July, 2024, forwarded to the Clerk, County Assembly of Kitui and laid on the table of the House on 31<sup>st</sup> July, 2024 being the second sitting day since publication, hence within the statutory timelines contemplated under Section 11(1) of the Statutory Instruments Act, 2013. Thereafter, the Guidelines were referred to the Joint Committee on Delegated

County Legislation and Justice and Legal Affairs for consideration. The Joint Committee retreated to Mutomo Highway Cottages in Mutomo, Kitui from 1<sup>st</sup> to 3<sup>rd</sup> August, 2024 to consider them and report back to the House.

8. Pursuant to Section 16 of the Statutory Instruments Act, 2013 which requires the Joint Committee to confer with the RMA before making its decision. Therefore, the Joint Committee held a meeting with the Kitui County Assembly Service Board on 6<sup>th</sup> August, 2024 to deliberate on the Kitui County Public Forums (Implementation)(Amendment) Guidelines, 2024.
9. The primary objective of the Kitui County Public Forums (Implementation)(Amendment) Guidelines, 2024 is to amend some provisions of the Kitui County Public Forums (Implementation) Guidelines, 2020 (Principal Guidelines) to increase both the figures and the words from Kenya shillings Three hundred thousand (Ksh. 300, 000) to Kenya shillings Four hundred and Fifty thousand (ksh. 450, 000) per quarter and further increase the figures and words from Kenya shillings One hundred thousand (Kshs. 100, 000) to Kenya shillings One hundred and Fifty thousand (Kshs. 150, 000) per month for each quarter. This is because;
  - i. the funds are inadequate to cover the public forum events, noting the high cost of living and inflation over the years since operationalization of the Act;
  - ii. the Act provides for facilitation of PWLD which increases the cost of the Forums; and
  - iii. the public turn up during the Forums has increased with civic education exercises leading to more spending.

## **2.2 Summary of the Kitui County Public Forums (Implementation)(Amendment) Guidelines, 2024, LN. No 1 of 2024**

10. The objects and purpose of these Guidelines is to amend certain provisions of the Principal Guidelines, in order to increase the funds for facilitation of ward public forums due to the high cost of living and the high turnout of people during the public forums.
11. The Guidelines amends the principal Guidelines as follows;  
That, the Public Forums (Implementation) Guidelines, 2020 be amended under Guideline 15:

- a. in paragraph 3 by;
  - i. deleting the word “three hundred” appearing on the second line and replacing therefor with the word “four hundred and fifty”.
  - ii. by deleting the amount in figures “300,000/=” appearing on the third line and replacing therefor with figure “450,000/=”
- b. in paragraph 4 by;
  - i. deleting the word “one hundred” appearing on the first line and replacing therefor with the word “one hundred and fifty”.
  - ii. by deleting the amount in figures “100,000/=” appearing on the first line and replacing therefor with figure “150,000/=”

### **2.3 Legislative Context**

12. The Legal Notice on the Kitui County Public Forums (Implementation)(Amendment) Guidelines, 2024 is made pursuant to Section 24 of the Kitui County Ward Public Forums Act, 2019. The Section empowers the Kitui County Assembly Service Board to make Guidelines for better carrying out of the provisions of the Kitui County Ward Public Forums Act, 2019.

### **2.4 Policy Background**

13. The primary objective of the Legal Notice is to amend some provisions of the principal Guidelines. This is meant to improve the effectiveness and efficiency of the public forums towards attaining the objectives of the Parent Act.
14. The principal Guidelines operationalize and assist in the implementation of the Kitui County Ward Public Forums Act, 2019.
15. Kitui County Public forums ensure that residents in Kitui County are directly involved in policy formulation, decision making and effectively participate in governance through public forums convened by the Member.
16. The Principal Guidelines provide for appropriation of Kenya Shillings three hundred thousand (Kshs. 300,000) per Ward for each quarter for activities under the Act. Further, not more than Kenya Shillings one hundred (Kshs. 100,000) may be expended for activities under the Act in every month of a quarter.
17. Since operationalization of the Act through the Guidelines in 2020, the cost of living has significantly gone up due to inflation and public turn up during the forums has

increased over time due to civic education exercises leading to more spending. This has affected the effectiveness of the public forums.

18. The Legal Notice therefore provides for additional funding towards attainment of the objectives of the Act. It seeks to increase the amount of Kshs. 300,000 per Ward for each quarter to Kshs. 450,000 and increase the amount of Kshs. 100,000 per month to Kshs. 150,000.

19. This will streamline the public forum events and further assist in realization of the objects of devolution as enshrined in Article 174 of the Constitution.

### **3.0 JOINT COMMITTEE OBSERVATIONS**

20. Having examined the Kitui County Public Forums (Implementation)(Amendment) Guidelines, 2024 in line with the Constitution of Kenya, 2010, the Interpretation and General Provisions Act, the Kitui County Ward Public Forums Act, 2019 and the Statutory Instruments Act, 2013, the Joint Committee make the following Observation-

#### **3.1 Statutory Timelines**

21. THAT, the Guidelines were published in the Gazette as LN. No. 1 of 2024 on 30<sup>th</sup> July, 2024, received by the Clerk of the Assembly and laid on the table of the House on 31<sup>st</sup> July, 2024 being the second sitting day since publication, hence within the statutory timeline contemplated under Section 11(1) of the Statutory Instruments Act, 2013.

#### **3.2 Public Participation**

22. The explanatory Memorandum provides a detailed justification for making the Guidelines and it indicates that public consultation was conducted in accordance with the provisions of Article 10, Article 196 and Article 201 of the Constitution of Kenya, 2010.

#### **3.3 Regulatory Impact Statement**


23 Pursuant to the provisions of Section 5A of the Statutory Instruments Act, 2013, there is attached to the Guidelines a detailed Explanatory Memorandum which provides for the purpose of the Statutory Instrument and its legislative context. The memorandum further provides for the policy background, public consultations

outcome, impact of the Statutory Instrument, non-requirement of a regulatory impact assessment and monitoring review.

24 However, for our case we are barred under Section 9 of the Statutory Instruments Act, 2013 to provide the Regulatory Impact Statement. This is because the Guidelines do not fundamentally affect the application or operation of the Kitui County Ward Public Forums Act, 2019 and the principal Guidelines. In view of this, a regulatory impact statement was not prepared.

**4.0 COMMITTEE RECOMMENDATION**

25. Having examined the Kitui County Public Forums (Implementation)(Amendment)Guidelines, 2024, LN. No. 1 of 2024 in accordance with the Constitution, the Interpretations and General Provisions Act, the Statutory Instrument Act, 2013 and the Kitui County Ward Public Forums Act, 2019, the Joint Committee recommends that the House **APPROVES** the Kitui County Public Forums (Implementation)(Amendment) Guidelines, 2024, LN. No. 1 of 2024 for operations by the Kitui County Assembly Service Board.

Signed.......... Date.....3/8/2024.....

**HON. CORNELIUS NGUMBAU MUTHAMI, M.C.A**  
**(CHAIRPERSON)**  
**COMMITTEE ON DELEGATED COUNTY LEGISLATION**










Signed.......... Date.....3/8/2024.....


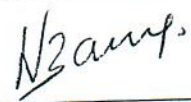


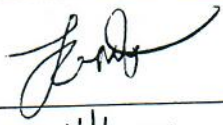

**HON. CYRUS KISAVI MUSYOKA, M.C.A**  
**(CHAIRPERSON)**  
**COMMITTEE ON JUSTICE AND LEGAL AFFAIRS**



(1)

**ADOPTION OF THE REPORT BY THE JOINT COMMITTEES OF  
DELEGATED COUNTY LEGISLATION AND JUSTICE AND LEGAL AFFAIRS**

S/NO	NAME	DESIGNATION	SIGN
1.	Hon. Cornelius Muthami Kiteme	Chairperson	
2	Hon. Cyrus Kisavi Musyoka	Vice- Chairperson	
3	Hon. Daniel Kimanzi Ngoima	Member	
4.	Hon. Sylvester Kitheka Munyalo	Member	
5	Hon. Erastus Mbuno	Member	
6	Hon. Mary Ndumbu	Member	
7	Hon. Stephen Katana Ileve	Member	
8	Hon. Joseph Nzungi Ngwele	Member	
9	Hon. Charity Mwangangi	Member	
10	Hon. Mary Mbithe Musili	Member	
11	Hon. Deborah Katungwa Mutuku	Member	
12	Hon. Ciambutra Karigi	Member	

13	Hon. Benjamin Ndambu Mulandi	Member	
14	Hon. Nzavu Mwanzia	Member	
15	Hon. Dominic Isumail Mwamisi	Member	
16	Hon. Hon. Kyalo Kimuli	Member	
17	Hon. Jacinta Mary Mwoni	Member	
18	Hon. Sammy Musili Munyithya	Member	
19	Hon. Nicholus Muema Mutemi	Member	
20	Hon. Grace Syoindo Mulandi	Member	



**SPECIAL ISSUE**Kenya Gazette Supplement No. 61  
30th July, 2024(Kitui County Legislative Supplement No. 1)

LEGAL NOTICE NO. 1

## THE KITUI COUNTY WARD PUBLIC FORUMS ACT, 2019

(No. 3 of 2019)

IN EXERCISE of the powers conferred by section 24 of the Kitui County Ward Public Forums Act, 2019, the Kitui County Assembly Service Board makes the following Guidelines—

THE KITUI COUNTY PUBLIC FORUMS (IMPLEMENTATION) (AMENDMENT)  
GUIDELINES, 2024

*Citation.*

1. These Guidelines may be cited as the Kitui County Public Forums (Implementation) (Amendment) Guidelines, 2024.

*Budgetary allocations.*

2. That the Kitui County Public Forums (Implementation) Guidelines, 2020 be amended under Guideline 15:

- (a) in paragraph 3 by—
- (i) deleting the word “three hundred” appearing on the second line and replacing therefor with the word “four hundred and fifty”.
  - (ii) by deleting the amount in figures “300,000/=” appearing on the third line and replacing therefor with figure “450,000/=”.
- (b) in paragraph 4 by—
- (i) deleting the word “one hundred” appearing on the first line and replacing therefor with the word “one hundred and fifty”.
  - (ii) by deleting the amount in figures “100,000/=” appearing on the first line and replacing therefor with figure “150,000/=”.

Made on the 29th July, 2024.

KEVIN KINENGO KATISYA,  
*Chairperson,*  
*Kitui County Assembly Service Board.*

