

SPECIAL ISSUE

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REPUBLIC OF KENYA

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NAKURU COUNTY BILLS, 2024

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**THE NAKURU COUNTY PERSONS WITH DISABILITY
(AMENDMENT) BILL, 2024**

A Bill for

**AN ACT of the County Assembly of Nakuru to amend the Nakuru
County Persons with Disability Act, 2016**

ENACTED by the County Assembly of Nakuru, as follows —

Short title

1. This Act may be cited as the Nakuru County Persons with Disability (Amendment), Act, 2024.

Amendment of section 2 of the PWD Act, 2016

2. Section 2 of the Nakuru County Persons with Disability Act 2016 (hereinafter of referred to as the (“Principal Act”) is amended by inserting the words—

“CECM” means the CECM for the time being in charge of Persons with Disabilities;

“Fund” means the Persons with Disabilities Fund established under section 9A, Pursuant to section 116 of the Public Finance Management Act, Cap 412A Laws of Kenya.

Amendment of section 3 of the PWD Act, 2016

3. Section 3 of the Principal Act is amended by—

- (a) deleting the word “Board” and substituting therefor with “committee” wherever it appears in the Act;
- (b) deleting section 3(a) in its entirety and substituting therefor with—
“establishment of a County/Ward Committee(s) for persons with Disabilities”;
- (c) inserting the following new subsection immediately after subsection (c) —
 - “(d) establish persons with disability Fund to—
 - (i) provide financial aid and support to empower the development of persons with disabilities;
 - (ii) provide for the management and administration of the fund; and Amendment of section 4 of
 - (iii) purchase of sunscreens, Mobility appliances, and devices, and any PWD Act, 2016 other empowerment tools and kits;

Amendment of section 4 of the PWD Act, 2016

4. Section 4 of the Principal Act is amended by deleting section 4(2) in its entirety.

Amendment of section 5 of the PWD Act, 2016

5. Section 5 of the principal Act is amended by deleting it in its entirety and substituting therefor with new section 5—

5. (1) There is hereby established a committee to be known as the County Committee for Persons with Disabilities.

(2) The committee shall consist of—

- (a) five persons representing various categories of disabilities, nominated by the National Council of Persons with Disabilities and appointed by the CECM;
- (b) the Director in-charge of the Department of Health or his/her nominee;
- (c) the Director in-charge of the Department of Gender, Social Services and inclusivity shall be the secretary.

(3) The nominating/appointing authority, in making appointments under this section shall ensure that—

- (a) there is an equitable representation of categories of persons with disabilities;
- (b) not more than two-thirds of the members are of the same gender;

(4) The members appointed under subsection 2(a) shall hold office for a term of three and may be eligible for reappointment once.

(5) The committee may Co-opt any other person they may deem necessary subject to the approval of the CECM.

(6) The Committee members shall during their first meeting elect their chairperson.

Amendment of section 7 of the PWD Act, 2016

6. Section 7 of the Principal Act is amended by deleting it in its entirety. *CEO*

Amendment of section 8 of the PWD Act, 2016

7. Section 8 of the Principal Act is amended by deleting in its entirety and substituting therefor with the following new section 8—

8. The functions of the committee are to—

- (a) formulate and develop measures and policies designed to achieve equal opportunities for persons with disabilities by ensuring to the maximum extent possible that they obtain equal access to their Political, Economic, Social, Legal, and Cultural rights;
- (b) collaborate with the National Council for persons with disability to establish an up-to-date County Database and disseminate the same to the ward committees;
- (c) classify the various categories of disability within the County depending on the severity of the disability, needs, nature of dependency, level of Education, and the poverty index;
- (d) carry out Civic Education on the rights of persons with disabilities, the provisions of this Act and any other Legislation;
- (e) administration of the fund including—
 - (i) approve and disburse assistance to eligible persons on the recommendation of the ward committees;
 - (ii) raise, and receive gifts, donations grants or endowments made to the Fund;
- (f) formulate parameters to determine the rate of assistance to eligible persons.
- (g) collaborate with the relevant Departments to equip the libraries to facilitate learning for persons with various forms of disability.
- (h) collaborate with other partners and stakeholders in achieving its mandate; and
- (i) perform and exercise all other functions and powers conferred on the committee by this Act or any other Legislation.

Insertion of a new section

8. The Principal Act is amended by inserting the following new sections immediately after section 7.

Ward Committees of Persons with Disabilities

7A. (1) There shall be a ward committee in each ward consisting of—

- (a) the Ward administrator who is an *ex-officio* member shall serve as the secretary;
- (b) Community Development Assistant;
- (c) four persons with disability residing in the ward, nominated by the National Council of Persons with Disabilities who shall be appointed by the Director of Social Services;
- (d) a Community Representative who be nominated by the Local community and appointed by the Director of Social Services;

(2) The Director of Social Services, in making appointments under this section shall ensure that—

- (a) there is an equitable representation of categories of persons with disabilities;
- (b) not more than two-thirds of the members are of the same gender

(3) The members appointed under subsection (c) &(d) shall hold office for a term of three years and may be eligible for reappointment once.

(4) The Committee members shall during their first meeting elect their chairperson.

(5) The ward committee shall be responsible for vetting the beneficiaries of the fund in the ward and ascertaining the authenticity of the information provided by such persons for recommendation to the County committee.

Meetings of the committees

7B. The committees shall hold not more than six (6) meetings in every financial year.

Remuneration of members

7C. The committee members may be paid such allowances as the Executive Committee Member may determine on the advice of the Salaries and Remuneration Commission.

Amendment of part III of the principal Act

9. The Principal Act is amended by deleting part III and substituting it with—

PART III— FINANCIAL PROVISIONS

Financial Provisions

9A. (1) There is established the Nakuru County Persons Living with Disabilities Fund.

(2) The funds for the implementation of this Act shall include all such sums of monies as shall be—

- (a) appropriated and allocated by the County Assembly; and
- (b) such other monies as may be received by the County Committee, on behalf of the County Government, being donations/grants /gifts or contributions by other organisations and partners for promoting the welfare of PWDs.

(3) The County Government shall allocate at least 0.18% in every Financial Year of the County Budget exclusive of the Conditional Grants and Facility Improvement Funds for promoting the welfare of PWDs.

(4) The administrative costs shall not exceed 10% of the funds allocated under subsection (2).

(5) The Chief Officer in charge of PWDs shall administer the Fund.

Annual accounts and Audits

9B. (1) The financial year for programmes and activities undertaken under this Act shall be for a period of twelve consecutive months, ending on every thirtieth day of June.

(2) The Committee shall ensure that proper accounts and other records are kept in relation to their revenue and expenditure.

(3) Within three months after the end of each financial year, the committee shall submit to the auditor General the accounts prepared under subsection (2) in respect of that year together with a statement of—

- (a) the income and expenditure of the committee during that year;
- (b) the income and expenditure of the fund; and
- (c) the assets and liabilities of the committee on the last day of that financial year.

Amendment of section 34 of the PWD Act, 2016

10. Section 34 of the Principal Act is amended by inserting the following new subsection immediately after subsection (c)-(d) "Administration of the Fund"

The principal Act is amended by inserting a new section

11. For the avoidance of doubt the provisions of the Nakuru County Persons Living with Disability Act shall be read together with the existing National Policies, Legislations on PWDS and International instruments where applicable.

MEMORANDUM OF OBJECTS AND REASONS

Statement of Objects and Reasons for the Bill

The principal Objective of this Bill is to amend the Nakuru County Persons Living with Disability Act, 2016 to make provision for the establishment of a PWD fund for the welfare of PWDS in the County and Establish the County and ward committees for the implementation of the Act.

Dated the 28th November, 2024.

NIXON MOROGO,
Member of County Assembly.