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CORRIGENDA

IN Gazette Notice No. 2116 of 2014, *amend* the deceased's name printed as "Njoroge Mwaganu alias Paul Ndungu Ndirangu Njoroge Mwaganu" to read "Njoroge Mwaganu alias Paul Ndungu Njoroge Mwaganu".

IN Gazette Notice No. 4816 of 2014, Cause No. 378 of 2014, *amend* the deceased place of death to read as "Kilelengwani" instead of "Machakos".

IN Gazette Notice No. 1687 of 2013, *amend* the petitioner's name printed as "Francis Muraguri Njogu" to read "Samuel Mwangi Kahuthu".

IN Gazette Notice No. 5186 of 2014, Cause No. 586 of 2014, *amend* the expression printed as "deceased sons" to read "deceased's grandsons".

IN Gazette Notice No. 13122 of 2013, *amend* the expression printed as "0.202 hectare or thereabouts" to read "3.07 hectares or thereabout".

GAZETTE NOTICE No. 5614

THE STATE CORPORATIONS ACT

(Cap. 446)

THE INFORMATION AND COMMUNICATIONS TECHNOLOGY AUTHORITY ORDER

(L.N. 183 of 2013)

APPOINTMENT

IN EXERCISE of the powers conferred by paragraph 6 (2) of the Information and Communications Technology Authority Order, 2013, the Cabinet Secretary for Information, Communications and Technology appoints—

Esther Njeri Kibere (Mrs.),
David Mugo,

to be members of the Board of Information and Communications Technology Authority, for a period of three (3) years, with effect from 1st September, 2013.

Dated the 8th August, 2014.

FRED MATIANG'I,
*Cabinet Secretary for Information,
Communications and Technology.*

GAZETTE NOTICE No. 5615

THE STATE CORPORATIONS ACT

(Cap. 446)

THE INFORMATION AND COMMUNICATIONS TECHNOLOGY AUTHORITY ORDER

(L.N. 183 of 2013)

APPOINTMENT

IN EXERCISE of the powers conferred by paragraph 6 (2) of the Information and Communications Technology Authority Order, 2013, the Cabinet Secretary for Information, Communications and Technology appoints—

Timothy M. Waema (Prof.),
Bertha Joseph Dena (Ms.),
Elijah Omwenga (Prof.)
Ugas Sheikh Mohammed,

to be members of the Board of Information and Communications Technology Authority, for a period of three (3) years, with effect from 17th January, 2014.

Dated the 8th August, 2014.

FRED MATIANG'I,
*Cabinet Secretary for Information,
Communications and Technology.*

GAZETTE NOTICE No. 5616

THE KENYA NON-GOVERNMENTAL ORGANIZATIONS CO-ORDINATION ACT

(No. 19 of 1990)

APPOINTMENT

IT IS notified for general information of the public that the members of the National Council of Non-Governmental Organizations, at the Annual General Meeting held on 19th April, 2014, and a Special General Meeting held on 31st May, 2014, elected—

Wilson Kipsang Kipkazi—(*Chairperson*),
Grace Waweru Warue—(*Vice-Chairperson*)
Kevinnah Loyatam—(*Secretary*)
Benjamin Onkoba Nyaachi—(*Treasurer*)

Directors:

Catherine Muriithi,
Peter L. B. Kubebea,
Jonathan K. Kimuge,
Stephen Cheboi,
John Mwangi Ngugi,
George O. Obondo,
Peter Ntoyian ole Musei
Winfridah Gesare Abuya,
Ibrahim Adan Shabo,
Khatra Iman Sigat,
Halima Mohamed Salim,

to be the Executive Committee Members of the Non-Governmental Organizations Council, with effect from the 1st of June, 2014.

Dated the 30th July, 2014.

ANNE WAIGURU,
Cabinet Secretary for Devolution and Planning.

GAZETTE NOTICE No. 5617

THE KENYA MEAT COMMISSION ACT

(Cap. 363)

THE KENYA MEAT COMMISSION

REVOCATION OF APPOINTMENT

IN EXERCISE of the powers conferred by section 3 (1) (b) and (c) of the Kenya Meat Commission Act, the Cabinet Secretary for Agriculture, Livestock and Fisheries revokes the appointment of—

Mohamed Jimale Issack,
Francis Kinyua,

as Board members of the Kenya Meat Commission with immediate effect.

Dated the 13th August, 2014.

FELIX K. KOSKEI,
Cabinet Secretary for Agriculture, Livestock and Fisheries.

GAZETTE NOTICE No. 5618

MEMBERS OF THE WORKING GROUP ON THE SOCIAL ECONOMIC AUDIT OF THE CONSTITUTION

IT IS notified for the general information of the public that pursuant to the Resolution made by the National Assembly and dated the 26th February, 2014, establishing the Working Group on the Social Economic Audit of the Constitution, the following have been appointed as members:

Edward Ouko, Auditor-General—(*Chairperson*);

Members:

Lady Justice Linnet Ndolo
Abdirizak Nunow (Dr.)
Susan Mang'eni
Mwarapayo A. Wa-Mwachai
Elizabeth Owiti (Dr.)

Erastus Wamugo
Julius Kipng'etich (Dr.)

Joint Secretaries:

Philip Kinisu—(*Head of Secretariat*)
Milcah Ondiek
Wanjiku Wakogi

The mandate of the Working Group is to—

- (a) assess the impact of the implementation of the Constitution to the Nation's economy and in particular its public finances;
- (b) make a rapid assessment of the impact of the implementation of the Constitution on public institutions;
- (c) evaluate the social impact resulting from the implementation of the Constitution;
- (d) make recommendations to the National Assembly on potential measures that could better enhance prudent management of the country's public resources; and
- (e) investigate, determine and advise on any relevant matter consequential or incidental to the foregoing.

Reporting:

- (a) The Working Group shall work under the Office of the Auditor-General and report to the National Assembly; and
- (b) Shall regularly consult, where it deems necessary, the National Assembly through the Budget and Appropriations Committee.

Mode of Operation:

In performance of its mandate, the Working Group shall regulate its own procedure.

Duration:

The duration of the Working Group shall be a period of seven (7) months with effect from publication date of this notice.

Secretariat:

The Secretariat of the Working Group shall be at the Office of the Auditor-General, Anniversary Towers, University way, P.O. Box 30084-00100 Nairobi.

Costs:

The costs incurred by the Working Group, including but not restricted to facilitation and payment of allowance in respect of members and secretaries of the Working Group, shall be defrayed from Voted funds of the Parliamentary Service.

Dated the 11th August, 2014.

EDWARD R.O. OUKO,
Auditor-General.

GAZETTE NOTICE NO. 5619

THE CONSTITUTION OF KENYA
THE COUNTY GOVERNMENTS ACT
(No. 17 of 2012)

MURANG'A COUNTY EXECUTIVE COMMITTEE
APPOINTMENT

IN EXERCISE of the powers conferred by Article 179 (2) (b) of the Constitution as read with sections 30 (2) (d), (e) and 35 of the County Governments Act, 2012, and upon approval by the Murang'a County Assembly in its session held on the 16th July, 2014, I, Mwangi wa Iria Governor of Murang'a County, appoint—

GERISHON NYAGIA REUBEN

a member of the Executive Committee responsible for Education and Technical Training.

Dated the 28th July, 2014.

MWANGI WA IRIA,
Governor, Murang'a County.

GAZETTE NOTICE NO. 5620

THE LAND REGISTRATION ACT
(No. 3 of 2012)

ISSUE OF A PROVISIONAL CERTIFICATE

WHEREAS (1) Hiram Bere Kinuthia, (2) Elizabeth Wanjiru Ngige and (3) Robert Matathia Ngige, as administrators of the estate of Francis Ngigi Matathia (deceased), all of P.O. Box 10280, Nairobi in the Republic of Kenya, are registered as proprietors lessees of that piece of land known as L.R. No. 14702, situate in the city of Nairobi, by virtue of a grant registered as I.R. 46123/1, and whereas sufficient evidence has been adduced to show that the said grant has been lost, notice is given that after the expiration of sixty (60) days from the date hereof, I shall issue a provisional certificate of title provided that no objection has been received within that period.

Dated the 15th August, 2014.

MR/5692056

W. M. MUIGAI,
Registrar of Titles, Nairobi.

GAZETTE NOTICE NO. 5621

THE LAND REGISTRATION ACT
(No. 3 of 2012)

ISSUE OF A PROVISIONAL CERTIFICATE

WHEREAS (1) Edmundo Flores Ortega and (2) Remedios De La Paz Ortega, both of P.O. Box 63155-00619, Nairobi in the Republic of Kenya, are registered as proprietors lessees of all that piece of land known as L.R. No. 12565/48, situate in the city of Nairobi, by virtue of a certificate of title registered as I.R. 35215/1, and whereas sufficient evidence has been adduced to show that the said certificate of title has been lost, notice is given that after the expiration of sixty (60) days from the date hereof, I shall issue a provisional certificate of title provided that no objection has been received within that period.

Dated the 15th August, 2014.

MR/5692202

B. F. ATIENO,
Registrar of Titles, Nairobi.

GAZETTE NOTICE NO. 5622

THE LAND REGISTRATION ACT
(No. 3 of 2012)

ISSUE OF DUPLICATE CERTIFICATE OF LEASE

WHEREAS Joseph Kirocho Minjire, of P.O. Box 101, Kikuyu in the Republic of Kenya, is registered as proprietor in leasehold interest of that piece of land containing 0.0103 hectare or thereabouts, situate in the district of Nairobi, registered under title No. Nairobi/Block 82/5280, and whereas sufficient evidence has been adduced to show that the said certificate of lease has been lost, notice is given that after the expiration of sixty (60) days from the date hereof, I shall issue a new certificate of lease provided that no objection has been received within that period.

Dated the 15th August, 2014.

MR/5692058

B. K. LEITICH,
Land Registrar, Nairobi.

GAZETTE NOTICE NO. 5623

THE LAND REGISTRATION ACT
(No. 3 of 2012)

ISSUE OF A NEW LAND TITLE DEED

WHEREAS Abira Ateng Winyo, of P.O. Box 1328-40100, Kisumu in the Republic of Kenya, is registered as proprietor in absolute ownership interest of that piece of land containing 0.14 hectare or thereabouts, situate in the district of Kisumu, registered under title No. Kisumu/Konya/2543, and whereas sufficient evidence has been adduced to show that the land title deed issued thereof has been lost, notice is given that after the expiration of sixty (60) days from the date hereof, I shall issue a new title deed provided that no objection has been received within that period.

Dated the 15th August, 2014.

MR/5692298

I. N. NJIRU,
Land Registrar, Kisumu District.

GAZETTE NOTICE NO. 5624

THE LAND REGISTRATION ACT
(No. 3 of 2012)

ISSUE OF A NEW LAND TITLE DEED

WHEREAS Abira Ateng Winyo, of P.O. Box 1328-40100, Kisumu in the Republic of Kenya, is registered as proprietor in absolute ownership interest of that piece of land containing 0.5 hectare or thereabouts, situate in the district of Kisumu, registered under title No. Kisumu/Konya/2824, and whereas sufficient evidence has been adduced to show that the land title deed issued thereof has been lost, notice is given that after the expiration of sixty (60) days from the date hereof, I shall issue a new title deed provided that no objection has been received within that period.

Dated the 15th August, 2014.

MR/5692298 *I. N. NJIRU,
Land Registrar, Kisumu District.*

GAZETTE NOTICE NO. 5625

THE LAND REGISTRATION ACT
(No. 3 of 2012)

ISSUE OF A NEW LAND TITLE DEED

WHEREAS Paul Odera Odera, of P.O. Box 482-40100, Kisumu in the Republic of Kenya, is registered as proprietor in absolute ownership interest of that piece of land containing 0.23 hectare or thereabouts, situate in the district of Kisumu, registered under title No. Kisumu/Konya/4977, and whereas sufficient evidence has been adduced to show that the land title deed issued thereof has been lost, notice is given that after the expiration of sixty (60) days from the date hereof, I shall issue a new title deed provided that no objection has been received within that period.

Dated the 15th August, 2014.

MR/5692004 *I. N. NJIRU,
Land Registrar, Kisumu District.*

GAZETTE NOTICE NO. 5626

THE LAND REGISTRATION ACT
(No. 3 of 2012)

ISSUE OF A NEW LAND TITLE DEED

WHEREAS Charles Naywaga, of P.O. Box 1222-40100, Kisumu in the Republic of Kenya, is registered as proprietor in absolute ownership interest of that piece of land containing 0.14 hectare or thereabouts, situate in the district of Kisumu, registered under title No. Kisumu/Kanyakwar 'B'/1645, and whereas sufficient evidence has been adduced to show that the land title deed issued thereof has been lost, notice is given that after the expiration of sixty (60) days from the date hereof, I shall issue a new title deed provided that no objection has been received within that period.

Dated the 15th August, 2014.

MR/5692004 *I. N. NJIRU,
Land Registrar, Kisumu District.*

GAZETTE NOTICE NO. 5627

THE LAND REGISTRATION ACT
(No. 3 of 2012)

ISSUE OF A NEW LAND TITLE DEED

WHEREAS Samuel Odoyo Nyiendo, of P.O. Box 11155, Nairobi in Kenya, is registered as proprietor in absolute ownership interest of that piece of land containing 0.15 hectare or thereabouts, situate in the district of Kisumu, registered under title No. Kisumu/Nyalenda 'B'/1482, and whereas sufficient evidence has been adduced to show that the land title deed issued thereof has been lost, notice is given that after the expiration of sixty (60) days from the date hereof, I shall issue a new title deed provided that no objection has been received within that period.

Dated the 15th August, 2014.

MR/5678996 *I. N. NJIRU,
Land Registrar, Kisumu District.*

GAZETTE NOTICE NO. 5628

THE LAND REGISTRATION ACT
(No. 3 of 2012)

ISSUE OF A NEW LAND TITLE DEED

WHEREAS Andrea Gilla Amollo, of P.O. Box 4695, Kisumu in Kenya, is registered as proprietor in absolute ownership interest of that piece of land containing 1.3 hectares or thereabouts, situate in the district of Kisumu, registered under title No. Kisumu/Nyahera/2142, and whereas sufficient evidence has been adduced to show that the land title deed issued thereof has been lost, notice is given that after the expiration of sixty (60) days from the date hereof, I shall issue a new title deed provided that no objection has been received within that period.

Dated the 15th August, 2014.

MR/5678996 *I. N. NJIRU,
Land Registrar, Kisumu District.*

GAZETTE NOTICE NO. 5629

THE LAND REGISTRATION ACT
(No. 3 of 2012)

ISSUE OF A NEW LAND TITLE DEED

WHEREAS Daudi Oliech Achuth, of P.O. Box 691, Kisumu in Kenya, is registered as proprietor in absolute ownership interest of that piece of land containing 0.04 hectare or thereabouts, situate in the district of Kisumu, registered under title No. Kisumu/Manyatta 'B'/930, and whereas sufficient evidence has been adduced to show that the land title deed issued thereof has been lost, notice is given that after the expiration of sixty (60) days from the date hereof, I shall issue a new title deed provided that no objection has been received within that period.

Dated the 15th August, 2014.

MR/5678996 *I. N. NJIRU,
Land Registrar, Kisumu District.*

GAZETTE NOTICE NO. 5630

THE LAND REGISTRATION ACT
(No. 3 of 2012)

ISSUE OF A NEW LAND TITLE DEED

WHEREAS Gabriel Ochieng Otieno, of P.O. Box 908, Suna in the Republic of Kenya, is registered as proprietor in absolute ownership interest of that piece of land containing 0.07 hectare or thereabouts, situate in the district of Kisumu, registered under title No. Kisumu/Pandpieri/1728, and whereas sufficient evidence has been adduced to show that the land title deed issued thereof has been lost, notice is given that after the expiration of sixty (60) days from the date hereof, I shall issue a new title deed provided that no objection has been received within that period.

Dated the 15th August, 2014.

MR/5692197 *I. N. NJIRU,
Land Registrar, Kisumu District.*

GAZETTE NOTICE NO. 5631

THE LAND REGISTRATION ACT
(No. 3 of 2012)

ISSUE OF A NEW LAND TITLE DEED

WHEREAS Rael Beldine Atieno Ogola, of P.O. Box 200, Bondo in the Republic of Kenya, is registered as proprietor in absolute ownership interest of that piece of land containing 0.194 hectare or thereabouts, situate in the district of Kisumu, registered under title No. Kisumu/Konya/5473, and whereas sufficient evidence has been adduced to show that the land title deed issued thereof has been lost, notice is given that after the expiration of sixty (60) days from the date hereof, I shall issue a new title deed provided that no objection has been received within that period.

Dated the 15th August, 2014.

MR/5692102 *I. N. NJIRU,
Land Registrar, Kisumu District.*

GAZETTE NOTICE NO. 5632

THE LAND REGISTRATION ACT
(No. 3 of 2012)

ISSUE OF A NEW LAND TITLE DEED

WHEREAS Ezekiel Onyango Tumbo, of P.O. Box 8, Maseno in the Republic of Kenya, is registered as proprietor in absolute ownership interest of that piece of land containing 0.04 hectare or thereabouts, situate in the district of Kisumu, registered under title No. Kisumu/Manyatta 'B'/2596, and whereas sufficient evidence has been adduced to show that the land title deed issued thereof has been lost, notice is given that after the expiration of sixty (60) days from the date hereof, I shall issue a new title deed provided that no objection has been received within that period.

Dated the 15th August, 2014.

I. N NJIRU,
MR/5692197 Land Registrar, Kisumu East/West Districts.

GAZETTE NOTICE NO. 5633

THE LAND REGISTRATION ACT
(No. 3 of 2012)

ISSUE OF A NEW LAND TITLE DEED

WHEREAS Warui Maina (ID/1337396), of P.O. Box 40, Elburgon, in Kenya, is registered as proprietor in absolute ownership interest of that piece of land containing 1.300 hectares or thereabout, situate in the district of Nakuru, registered under title No. Elburgon/Arimi Ndoshwa Block 4/333, and whereas sufficient evidence have been adduced to show that the land title deeds issued thereof have been lost, notice is given that after the expiration of sixty (60) days from the date hereof, I shall issue new title deeds provided that no objection has been received within that period.

Dated the 15th August, 2014.

S. M. NABULINDO,
MR/5692026 Land Registrar, Nakuru District.

GAZETTE NOTICE NO. 5634

THE LAND REGISTRATION ACT
(No. 3 of 2012)

ISSUE OF A NEW LAND TITLE DEED

WHEREAS Azuman Muthee (ID/9126370), is registered as proprietor in absolute ownership interest of that piece of land containing 0.044 hectare or thereabouts, situate in the district of Nakuru, registered under title No. Kiambogo/Kiambogo Block 2/12206, and whereas sufficient evidence have been adduced to show that the land title deed issued thereof has been lost, notice is given that after the expiration of sixty (60) days from the date hereof, I shall issue a new title deed provided that no objection has been received within that period.

Dated the 15th August, 2014.

S. M. NABULINDO,
MR/5692156 Land Registrar, Nakuru District.

GAZETTE NOTICE NO. 5635

THE LAND REGISTRATION ACT
(No. 3 of 2012)

ISSUE OF A NEW LAND TITLE DEED

WHEREAS Daniel Kipngeno A. Maritim (ID/7081149), is registered as proprietor in absolute ownership interest of that piece of land containing 1.00 hectare or thereabouts, situate in the district of Nakuru, registered under title No. Molo South/Ikumbi Block 9/428 (Haraka), and whereas sufficient evidence have been adduced to show that the land title deed issued thereof has been lost, notice is given that after the expiration of sixty (60) days from the date hereof, I shall issue a new title deed provided that no objection has been received within that period.

Dated the 15th August, 2014.

S. M. NABULINDO,
MR/5692329 Land Registrar, Nakuru District.

GAZETTE NOTICE NO. 5636

THE LAND REGISTRATION ACT
(No. 3 of 2012)

ISSUE OF A NEW LAND TITLE DEED

WHEREAS John Mwangi Nguri (ID/26086576), is registered as proprietor in absolute ownership interest of that piece of land containing 0.0718 hectare or thereabouts, situate in the district of Nakuru, registered under title No. Subukia/Subukia Block 13/1439, and whereas sufficient evidence has been adduced to show that the land title deed issued thereof has been lost, notice is given that after the expiration of sixty (60) days from the date hereof, I shall issue a new title deed provided that no objection has been received within that period.

Dated the 15th August, 2014.

C. O. BIRUNDU,
MR/5692207 Land Registrar, Nakuru District.

GAZETTE NOTICE NO. 5637

THE LAND REGISTRATION ACT
(No. 3 of 2012)

ISSUE OF A NEW LAND TITLE DEED

WHEREAS Rael Jesang Daniel (ID/7135233), of P.O. Box 2495, Ziwa in the Republic of Kenya, is registered as proprietor in absolute ownership interest of that piece of land containing 11.28 acres or thereabout, situate in the district of Uasin Gishu, registered under title No. Moi's Bridge/Sirikwa Block 3 (Ziwa)/154, and whereas sufficient evidence has been adduced to show that the land title deed issued thereof has been lost, notice is given that after the expiration of sixty (60) days from the date hereof, I shall issue a new title deed provided that no objection has been received within that period.

Dated the 15th August, 2014.

M. KIRUI,
MR/5692046 Land Registrar, Uasin Gishu District.

GAZETTE NOTICE NO. 5638

THE LAND REGISTRATION ACT
(No. 3 of 2012)

ISSUE OF NEW LAND TITLE DEEDS

WHEREAS Julius Bahati Andole, is registered as proprietor in absolute ownership interest of those pieces of land containing 1.3 hectares or thereabout, situate in the district of Kakamega, registered under title Nos. Isukha/Shitochi/1060, 1237 and 1868, and whereas sufficient evidence has been adduced to show that the land title deeds issued thereof have been lost, notice is given that after the expiration of sixty (60) days from the date hereof, I shall issue new title deeds provided that no objection has been received within that period.

Dated the 15th August, 2014.

M. J. BOOR,
MR/5692088 Land Registrar, Kakamega District.

GAZETTE NOTICE NO. 5639

THE LAND REGISTRATION ACT
(No. 3 of 2012)

ISSUE OF A NEW LAND TITLE DEED

WHEREAS Margaret Imbaga Lichinga, is registered as proprietor in absolute ownership interest of that piece of land containing 2.2 hectares or thereabout, situate in the district of Kakamega, registered under title No. Isukha/Kambiri/263, and whereas sufficient evidence has been adduced to show that the land title deed issued thereof has been lost, notice is given that after the expiration of sixty (60) days from the date hereof, I shall issue a new title deed provided that no objection has been received within that period.

Dated the 15th August, 2014.

M. J. BOOR,
MR/5692311 Land Registrar, Kakamega District.

GAZETTE NOTICE NO. 5640

THE LAND REGISTRATION ACT
(No. 3 of 2012)

ISSUE OF A NEW LAND TITLE DEED

WHEREAS Andrew Chilla Onyango, is registered as proprietor in absolute ownership interest of that piece of land containing 0.71 hectare or thereabouts, situate in the district of Kakamega, registered under title No. Butotso/Shikoti/5102, and whereas sufficient evidence has been adduced to show that the land title deed issued thereof has been lost, notice is given that after the expiration of sixty (60) days from the date hereof, I shall issue a new title deed provided that no objection has been received within that period.

Dated the 15th August, 2014.

J. M. FUNDIA,
MR/5692169 *Land Registrar, Kakamega District.*

GAZETTE NOTICE NO. 5641

THE LAND REGISTRATION ACT
(No. 3 of 2012)

ISSUE OF NEW LAND TITLE DEEDS

WHEREAS Muthoka Kamanza Nthenge, of P.O. Box 1020-90100, Machakos in the Republic of Kenya, is registered as proprietor in absolute ownership interest of those pieces of land containing 0.12 and 4.0 hectare or thereabouts, situate in the district of Machakos, registered under title Nos. Kalama/Iuni/250 and 223, and whereas sufficient evidence has been adduced to show that the land title deeds issued thereof have been lost, notice is given that after the expiration of sixty (60) days from the date hereof, I shall issue new title deeds provided that no objection has been received within that period.

Dated the 15th August, 2014.

G. M. NJOROGE,
MR/5692067 *Land Registrar, Machakos District.*

GAZETTE NOTICE NO. 5642

THE LAND REGISTRATION ACT
(No. 3 of 2012)

ISSUE OF A NEW LAND TITLE DEED

WHEREAS (1) Kyungu Mulwa, (2) Esther Nzilani Primark and (3) Justina Nthenya Kavita, all of P.O. Box 140, Mitaboni in the Republic of Kenya, are registered as proprietors in absolute ownership interest of that piece of land containing 13.50 hectares or thereabout, situate in the district of Machakos, registered under title No. Donyo Sabuk/Komarock Block I/403, and whereas sufficient evidence has been adduced to show that the land title deed issued thereof has been lost, notice is given that after the expiration of sixty (60) days from the date hereof, I shall issue a new title deed provided that no objection has been received within that period.

Dated the 15th August, 2014.

G. M. NJOROGE,
MR/5692248 *Land Registrar, Machakos District.*

GAZETTE NOTICE NO. 5643

THE LAND REGISTRATION ACT
(No. 3 of 2012)

ISSUE OF A NEW LAND TITLE DEED

WHEREAS Francis Kisivo Wambua, of P.O. Box 1640-90100, Machakos in the Republic of Kenya, is registered as proprietor in absolute ownership interest of that piece of land containing 0.08 hectare or thereabouts, situate in the district of Machakos, registered under title No. Muputi/Kiima Kimwe/2102, and whereas sufficient evidence has been adduced to show that the land title deed issued thereof has been lost, notice is given that after the expiration of sixty (60) days from the date hereof, I shall issue a new title deed provided that no objection has been received within that period.

Dated the 15th August, 2014.

G. M. NJOROGE,
MR/5692184 *Land Registrar, Machakos District.*

GAZETTE NOTICE NO. 5644

THE LAND REGISTRATION ACT
(No. 3 of 2012)

ISSUE OF A NEW LAND TITLE DEED

WHEREAS Peter Kariuki Nganga (ID/0996536), of P.O. Box 34439-00100, Nairobi in Kenya, is registered as proprietor in absolute ownership interest of that piece of land containing 0.4 hectare or thereabouts, situate in the district of Kiambu, registered under title No. Kijabe/Settlement Scheme/47, and whereas sufficient evidence has been adduced to show that the land title deed issued thereof has been lost, notice is given that after the expiration of sixty (60) days from the date hereof, I shall issue a new title deed provided that no objection has been received within that period.

Dated the 15th August, 2014.

W. N. MUGURO,
MR/5692040 *Land Registrar, Kiambu District.*

GAZETTE NOTICE NO. 5645

THE LAND REGISTRATION ACT
(No. 3 of 2012)

ISSUE OF A NEW LAND TITLE DEED

WHEREAS Josphat Kamau Waweru (ID/3096635), of P.O. Box 13387-20100, Nakuru in the Republic of Kenya, is registered as proprietor in absolute ownership interest of that piece of land containing 0.61 hectare or thereabouts, situate in the district of Kiambu, registered under title No. Karai/Karai/1283, and whereas sufficient evidence has been adduced to show that the land title deed issued thereof has been lost, notice is given that after the expiration of sixty (60) days from the date hereof, I shall issue a new title deed provided that no objection has been received within that period.

Dated the 15th August, 2014.

W. N. MUGURO,
MR/5692222 *Land Registrar, Kiambu District.*

GAZETTE NOTICE NO. 5646

THE LAND REGISTRATION ACT
(No. 3 of 2012)

ISSUE OF A NEW LAND TITLE DEED

WHEREAS Ndungu Warugu (ID/4316958), of P.O. Box 71, Matathia in Kenya, is registered as proprietor in absolute ownership interest of that piece of land containing 9.4 acres or thereabout, situate in the district of Kiambu, registered under title No. Gatamaiyu/Kamburu/135, and whereas sufficient evidence has been adduced to show that the land title deed issued thereof has been lost, notice is given that after the expiration of sixty (60) days from the date hereof, I shall issue a new title deed provided that no objection has been received within that period.

Dated the 15th August, 2014.

W. N. MUGURO,
MR/5692185 *Land Registrar, Kiambu District.*

GAZETTE NOTICE NO. 5647

THE LAND REGISTRATION ACT
(No. 3 of 2012)

ISSUE OF A NEW LAND TITLE DEED

WHEREAS Wagio George Ndungu (ID/1845452), of P.O. Box 933, Karuri in the Republic of Kenya, is registered as proprietor in absolute ownership interest of that piece of land containing 0.0491 hectare or thereabouts, situate in the district of Kiambu, registered under title No. Tinganga/Cianda Block I/1635, and whereas sufficient evidence has been adduced to show that the land title deed issued thereof has been lost, notice is given that after the expiration of sixty (60) days from the date hereof, I shall issue a new title deed provided that no objection has been received within that period.

Dated the 15th August, 2014.

E. W. BABU,
MR/5692096 *Land Registrar, Kiambu District.*

GAZETTE NOTICE No. 5648

THE LAND REGISTRATION ACT
(No. 3 of 2012)

ISSUE OF A NEW LAND TITLE DEED

WHEREAS Mary Njoki Mwaura (ID/4331912), of P.O. Box 2263-00900, Kiambu in the Republic of Kenya, is registered as proprietor in absolute ownership interest of that piece of land containing 0.41 hectare or thereabouts, situate in the district of Kiambu, registered under title No. Karai/Karai/1159, and whereas sufficient evidence has been adduced to show that the land title deed issued thereof has been lost, notice is given that after the expiration of sixty (60) days from the date hereof, I shall issue a new title deed provided that no objection has been received within that period.

Dated the 15th August, 2014.

MR/5692222 E. W. BABU,
Land Registrar, Kiambu District.

GAZETTE NOTICE No. 5649

THE LAND REGISTRATION ACT
(No. 3 of 2012)

ISSUE OF A NEW LAND TITLE DEED

WHEREAS Veronica Waceke (ID/8433933), of P.O. Box 2263-00900, Kiambu in the Republic of Kenya, is registered as proprietor in absolute ownership interest of that piece of land containing 2.12 hectares or thereabouts, situate in the district of Kiambu, registered under title No. Nguirubi/Thigio/1119, and whereas sufficient evidence has been adduced to show that the land title deed issued thereof has been lost, notice is given that after the expiration of sixty (60) days from the date hereof, I shall issue a new title deed provided that no objection has been received within that period.

Dated the 15th August, 2014.

MR/5692222 E. W. BABU,
Land Registrar, Kiambu District.

GAZETTE NOTICE No. 5650

THE LAND REGISTRATION ACT
(No. 3 of 2012)

ISSUE OF A NEW LAND TITLE DEED

WHEREAS Joseph Ng'ang'a Goro (ID/30372677), of P.O. Box 53545-00200, Nairobi in the Republic of Kenya, is registered as proprietor in absolute ownership interest of that piece of land containing 0.76 hectare or thereabouts, situate in the district of Kiambu, registered under title No. Muguga/Gitau/69, and whereas sufficient evidence has been adduced to show that the land title deed issued thereof has been lost, notice is given that after the expiration of sixty (60) days from the date hereof, I shall issue a new title deed provided that no objection has been received within that period.

Dated the 15th August, 2014.

MR/5692128 F. AKINYI,
Land Registrar, Kiambu District.

GAZETTE NOTICE No. 5651

THE LAND REGISTRATION ACT
(No. 3 of 2012)

ISSUE OF A NEW LAND TITLE DEED

WHEREAS (1) Josphat Munyua Mwaura (ID/2945114/65), (2) Gideon Munyua Warui (ID/2570564/65) and (3) Daniel Njathi Mwaura (ID/3055173/66), as trustees of Mururia and sons Family, all of P.O. Box 87, 01-Kalou in the Republic of Kenya, are registered as proprietors in absolute ownership interest of that piece of land containing 0.6364 hectare or thereabouts, situate in the district of Naivasha, registered under title No. Naivasha/Maraigushu Block 7/81, and whereas sufficient evidence has been adduced to show that the land title deed issued thereof has been lost, notice is given that after the expiration of sixty (60) days from the date hereof, I shall issue a new title deed provided that no objection has been received within that period.

Dated the 15th August, 2014.

MR/5692049 G. G. KARANI,
Land Registrar, Naivasha District.

GAZETTE NOTICE No. 5652

THE LAND REGISTRATION ACT
(No. 3 of 2012)

ISSUE OF A NEW LAND TITLE DEED

WHEREAS Elijah Githua Kamau (ID/10153726), of P.O. Box 14419-00200, Nairobi in the Republic of Kenya, is registered as proprietor in absolute ownership interest of that piece of land containing 0.0410 hectare or thereabouts, situate in the district of Naivasha, registered under title No. Naivasha/Mwachiringiri Block 4/13426, and whereas sufficient evidence has been adduced to show that the land title deed issued thereof has been lost, notice is given that after the expiration of sixty (60) days from the date hereof, I shall issue a new title deed provided that no objection has been received within that period.

Dated the 15th August, 2014.

MR/5692082 J. M. MWAURA,
Land Registrar, Naivasha District.

GAZETTE NOTICE No. 5653

THE LAND REGISTRATION ACT
(No. 3 of 2012)

ISSUE OF A NEW LAND TITLE DEED

WHEREAS Cyrus Gacheru Munyora (ID/31197721), of P.O. Box 1511-20117, Naivasha in the Republic of Kenya, is registered as proprietor in absolute ownership interest of that piece of land containing 0.128 hectare or thereabouts, situate in the district of Naivasha, registered under title No. Naivasha/Mwachiringiri Block 4/4429, and whereas sufficient evidence has been adduced to show that the land title deed issued thereof has been lost, notice is given that after the expiration of sixty (60) days from the date hereof, I shall issue a new title deed provided that no objection has been received within that period.

Dated the 15th August, 2014.

MR/5692226 S. W. MUCHEMI,
Land Registrar, Naivasha District.

GAZETTE NOTICE No. 5654

THE LAND REGISTRATION ACT
(No. 3 of 2012)

ISSUE OF A NEW LAND TITLE DEED

WHEREAS James Bridgit Africa Limited, is registered as proprietor in absolute ownership interest of that piece of land containing 0.21 hectare or thereabouts, situate in the district of Kajiado, registered under title No. Ngong/Ngong/42095, and whereas sufficient evidence has been adduced to show that the land title deed issued thereof has been lost, notice is given that after the expiration of sixty (60) days from the date hereof, I shall issue a new title deed provided that no objection has been received within that period.

Dated the 15th August, 2014.

MR/5692015 G. W. MUMO,
Land Registrar, Kajiado North District.

GAZETTE NOTICE No. 5655

THE LAND REGISTRATION ACT
(No. 3 of 2012)

ISSUE OF A NEW LAND TITLE DEED

WHEREAS (1) Benson Kampus Mutunkei (ID/11639094) and (2) Robert Roriki Munei (ID/10882042), both of P.O. Box 55379-00200, Nairobi in the Republic of Kenya, is registered as proprietor in absolute ownership interest of that piece of land containing 0.0790 hectare or thereabouts, situate in the district of Kajiado, registered under title No. Township Block 2/369, and whereas sufficient evidence has been adduced to show that the land title deed issued thereof has been lost, notice is given that after the expiration of sixty (60) days from the date hereof, I shall issue a new title deed provided that no objection has been received within that period.

Dated the 15th August, 2014.

MR/5692034 G. W. MUMO,
Land Registrar, Kajiado North District.

GAZETTE NOTICE NO. 5656

THE LAND REGISTRATION ACT
(No. 3 of 2012)

ISSUE OF A NEW LAND TITLE DEED

WHEREAS Tankoi ene Saketa Makao, of P.O. Box 24, Kajiado in the Republic of Kenya, is registered as proprietor in absolute ownership interest of that piece of land containing 56.69 hectares or thereabout, situate in the district of Kajiado, registered under title No. Kjd/Kaputiei North/34057, and whereas sufficient evidence has been adduced to show that the land title deed issued thereof has been lost, notice is given that after the expiration of sixty (60) days from the date hereof, I shall issue a new title deed provided that no objection has been received within that period.

Dated the 15th August, 2014.

MR/5692083 P. MAKINI,
Land Registrar, Kajiado District.

GAZETTE NOTICE NO. 5657

THE LAND REGISTRATION ACT
(No. 3 of 2012)

ISSUE OF A NEW LAND TITLE DEED

WHEREAS Abdi Munim Haji Abdi, of P.O. Box 5072-00506, Nairobi in the Republic of Kenya, is registered as proprietor in absolute ownership interest of that piece of land containing 2.02 hectares or thereabout, situate in the district of Kajiado, registered under title No. Kjd/Dalalekutuk/2484, and whereas sufficient evidence has been adduced to show that the land title deed issued thereof has been lost, notice is given that after the expiration of sixty (60) days from the date hereof, I shall issue a new title deed provided that no objection has been received within that period.

Dated the 15th August, 2014.

MR/5692225 A. N. NJORGE,
Land Registrar, Kajiado District.

GAZETTE NOTICE NO. 5658

THE LAND REGISTRATION ACT
(No. 3 of 2012)

ISSUE OF A NEW LAND TITLE DEED

WHEREAS Nkanana Ndeseyia (ID/8336503), of P.O. Box 55, Loitoktok in the Republic of Kenya, is registered as proprietor in absolute ownership interest of that piece of land containing 0.091 hectare or thereabouts, situate in the district of Kajiado, registered under title No. Loitoktok/Olkaria/606, and whereas sufficient evidence has been adduced to show that the land title deed issued thereof has been lost, notice is given that after the expiration of sixty (60) days from the date hereof, I shall issue a new title deed provided that no objection has been received within that period.

Dated the 15th August, 2014.

MR/5692007 D. M. KYULE,
Land Registrar, Kajiado District.

GAZETTE NOTICE NO. 5659

THE LAND REGISTRATION ACT
(No. 3 of 2012)

ISSUE OF NEW LAND TITLE DEEDS

WHEREAS Joseph Njuguna Chege (ID/11620899), of P.O. Box 707, Karatina in the Republic of Kenya, is registered as proprietor in absolute ownership interest of those pieces of land containing 0.05 and 0.05 hectare or thereabouts, situate in the district of Kirinyaga, registered under title Nos. Mwca/Tebere/B/3595 and 3596, and whereas sufficient evidence has been adduced to show that the land title deeds issued thereof have been lost, notice is given that after the expiration of sixty (60) days from the date hereof, I shall issue new title deeds provided that no objection has been received within that period.

Dated the 15th August, 2014.

MR/5692012 C. W. NJAGI,
Land Registrar, Kirinyaga District.

GAZETTE NOTICE NO. 5660

THE LAND REGISTRATION ACT
(No. 3 of 2012)

ISSUE OF A NEW LAND TITLE DEED

WHEREAS John Kuria Njoroge (ID/11667509), is registered as proprietor in absolute ownership interest of that piece of land containing 0.05 hectare or thereabouts, situate in the district of Kirinyaga, registered under title No. Inoi/Kerugoya/2768, and whereas sufficient evidence has been adduced to show that the land title deed issued thereof has been lost, notice is given that after the expiration of sixty (60) days from the date hereof, I shall issue a new title deed provided that no objection has been received within that period.

Dated the 15th August, 2014.

MR/5692218 C. W. NJAGI,
Land Registrar, Kirinyaga District.

GAZETTE NOTICE NO. 5661

THE LAND REGISTRATION ACT
(No. 3 of 2012)

ISSUE OF A NEW LAND TITLE DEED

WHEREAS Joseph Mwangi Mbochere (ID/0580594), is registered as proprietor in absolute ownership interest of that piece of land containing 3.92 hectares or thereabout, situate in the district of Kirinyaga, registered under title No. Kiine/Sagana/369, and whereas sufficient evidence has been adduced to show that the land title deed issued thereof has been lost, notice is given that after the expiration of sixty (60) days from the date hereof, I shall issue a new title deed provided that no objection has been received within that period.

Dated the 15th August, 2014.

MR/5692030 C. M. KIRONJI,
Land Registrar, Kirinyaga District.

GAZETTE NOTICE NO. 5662

THE LAND REGISTRATION ACT
(No. 3 of 2012)

ISSUE OF NEW LAND TITLE DEEDS

WHEREAS Michael John Karanja, of P.O. Box 237, Karuri in the Republic of Kenya, is registered as proprietor in absolute ownership interest of those pieces of land containing 4.05, 4.05 and 2.22 hectares or thereabout, situate in the district of Murang'a, registered under title Nos. Nginda/Samar/Block I/348, 347 and LOC. 17/Iganjo/60, and whereas sufficient evidence has been adduced to show that the land title deeds issued thereof have been lost, notice is given that after the expiration of sixty (60) days from the date hereof, I shall issue new title deeds provided that no objection has been received within that period.

Dated the 15th August, 2014.

MR/5692092 F. M. WANJAMA,
Land Registrar, Murang'a District.

GAZETTE NOTICE NO. 5663

THE LAND REGISTRATION ACT
(No. 3 of 2012)

ISSUE OF A NEW LAND TITLE DEED

WHEREAS James Irungu Mwangi (ID/8688533), of P.O. Box 46466-00100, Nairobi in the Republic of Kenya, is registered as proprietor in absolute ownership interest of that piece of land containing 0.130 hectare or thereabouts, situate in the district of Murang'a, registered under title No. LOC. 2/Mariira/3276, and whereas sufficient evidence has been adduced to show that the land title deed issued thereof has been lost, notice is given that after the expiration of sixty (60) days from the date hereof, I shall issue a new title deed provided that no objection has been received within that period.

Dated the 15th August, 2014.

MR/5692234 F. M. WANJAMA,
Land Registrar, Murang'a District.

GAZETTE NOTICE NO. 5664

THE LAND REGISTRATION ACT
(No. 3 of 2012)

ISSUE OF A NEW LAND TITLE DEED

WHEREAS Teresiah Wambui Gathenya (ID/3506957), of P.O. Box 59306-00200, Thika in the Republic of Kenya, is registered as proprietor in absolute ownership interest of that piece of land containing 2.428 hectares or thereabout, situate in the district of Thika, registered under title No. Ruiru/Ruiru East Block 3/1420, and whereas sufficient evidence has been adduced to show that the land title deed issued thereof has been lost, notice is given that after the expiration of sixty (60) days from the date hereof, I shall issue a new title deed provided that no objection has been received within that period.

Dated the 15th August, 2014.

MR/5678986 F. M. NYAKUNDI,
Land Registrar, Thika District.

GAZETTE NOTICE NO. 5665

THE LAND REGISTRATION ACT
(No. 3 of 2012)

ISSUE OF A NEW LAND TITLE DEED

WHEREAS Chizi Chitsunyu Magongo, is registered as proprietor in absolute ownership interest of that piece of land containing 14.2 hectares or thereabout, situate in the district of Kwale, registered under title No. Kwale/Kidomaya/128, and whereas sufficient evidence has been adduced to show that the land title deed issued thereof has been lost, notice is given that after the expiration of sixty (60) days from the date hereof, I shall issue a new title deed provided that no objection has been received within that period.

Dated the 15th August, 2014.

MR/5692053 C. K. NGETICH,
Land Registrar, Kwale District.

GAZETTE NOTICE NO. 5666

THE LAND REGISTRATION ACT
(No. 3 of 2012)

ISSUE OF A NEW LAND TITLE DEED

WHEREAS Wiyathe Age Group, of P.O. Box 60, Gatura in the Republic of Kenya, is registered as proprietor in absolute ownership interest of that piece of land containing 0.046 hectare or thereabouts, situate in the district of Nyandarua, registered under title No. Nyandarua/Mutuonyora/589, and whereas sufficient evidence has been adduced to show that the land title deed issued thereof has been lost, notice is given that after the expiration of sixty (60) days from the date hereof, I shall issue a new title deed provided that no objection has been received within that period.

Dated the 15th August, 2014.

MR/5692293 N. G. GATHAIYA,
Land Registrar, Nyandarua/Samburu Districts.

GAZETTE NOTICE NO. 5667

THE LAND REGISTRATION ACT
(No. 3 of 2012)

ISSUE OF A NEW LAND TITLE DEED

WHEREAS Emmanuel Wandera Omburo, is registered as proprietor in absolute ownership interest of that piece of land containing 2.4 hectares or thereabout, situate in the district of Busia/Teso, registered under title No. Bukhayo/Matayos/182, and whereas sufficient evidence has been adduced to show that the land title deed issued thereof has been lost, notice is given that after the expiration of sixty (60) days from the date hereof, I shall issue a new title deed provided that no objection has been received within that period.

Dated the 15th August, 2014.

MR/5678987 G. O. ONDIGO,
Land Registrar, Busia/Teso Districts.

GAZETTE NOTICE NO. 5668

THE LAND REGISTRATION ACT
(No. 3 of 2012)

ISSUE OF A NEW LAND TITLE DEED

WHEREAS Dismas Okechi Ombworo, is registered as proprietor in absolute ownership interest of that piece of land containing 5.2 hectares or thereabout, situate in the district of Busia/Teso, registered under title No. Marach/Elukhari/147, and whereas sufficient evidence has been adduced to show that the land title deed issued thereof has been lost, notice is given that after the expiration of sixty (60) days from the date hereof, I shall issue a new title deed provided that no objection has been received within that period.

Dated the 15th August, 2014.

MR/5678987 G. O. ONDIGO,
Land Registrar, Busia/Teso Districts.

GAZETTE NOTICE NO. 5669

THE LAND REGISTRATION ACT
(No. 3 of 2012)

ISSUE OF A NEW LAND TITLE DEED

WHEREAS Ogola Oyim, of P.O. Box 1, Nyamonye in the Republic of Kenya, is registered as proprietor in absolute ownership interest of that piece of land containing 3.0 hectares or thereabout, situate in the district of Bondo, registered under title No. North Sakwa/Nyawita/486, and whereas sufficient evidence has been adduced to show that the land title deed issued thereof has been lost, notice is given that after the expiration of sixty (60) days from the date hereof, I shall issue new a title deed provided that no objection has been received within that period.

Dated the 15th August, 2014.

MR/5692299 G. M. MALUNDU,
Land Registrar, Bondo District.

GAZETTE NOTICE NO. 5670

THE LAND REGISTRATION ACT
(No. 3 of 2012)

ISSUE OF A NEW LAND TITLE DEED

WHEREAS Harrison Owiyo Adika (ID/78554408), of P.O. Box 14243, Nairobi in the Republic of Kenya, is registered as proprietor in absolute ownership interest of that piece of land containing 7.5 acres or thereabout, situate in the district of Rachuonyo, registered under title No. E. Kasipul/Kojwach Kawere/557, and whereas sufficient evidence has been adduced to show that the land title deed issued thereof has been lost, notice is given that after the expiration of sixty (60) days from the date hereof, I shall issue a new title deed provided that no objection has been received within that period.

Dated the 15th August, 2014.

MR/5692037 J. O. OSILOLO,
Land Registrar, Rachuonyo South/North Districts.

GAZETTE NOTICE NO. 5671

THE LAND REGISTRATION ACT
(No. 3 of 2012)

ISSUE OF A NEW LAND TITLE DEED

WHEREAS Anjelina Musfan Obuora, of P.O. Box 7, Yala in the Republic of Kenya, is registered as proprietor in absolute ownership interest of that piece of land containing 1.2 hectares or thereabout, situate in the district of Ugenya, registered under title No. South Ugenya/Rang'ala/161, and whereas sufficient evidence has been adduced to show that the land title deed issued thereof has been lost, notice is given that after the expiration of sixty (60) days from the date hereof, I shall issue a new title deed provided that no objection has been received within that period.

Dated the 15th August, 2014.

MR/5692025 P. A. NYANJA,
Land Registrar, Ugenya/Ugunja Districts.

GAZETTE NOTICE No. 5672

THE LAND REGISTRATION ACT
(No. 3 of 2012)

ISSUE OF A NEW LAND TITLE DEED

WHEREAS Chacha Murimi, of P.O. Box 1135, Kehancha in the Republic of Kenya, is registered as proprietor in absolute ownership interest of that piece of land containing 7.2 hectares or thereabout, situate in the district of Kuria, registered under title No. Bugumbe/Masaba/408, and whereas sufficient evidence has been adduced to show that the land title deed issued thereof has been lost, notice is given that after the expiration of sixty (60) days from the date hereof, I shall issue a new title deed provided that no objection has been received within that period.

Dated the 15th August, 2014.

MR/5692043 N. MARUBE,
Land Registrar, Kuria District.

GAZETTE NOTICE No. 5673

THE LAND REGISTRATION ACT
(No. 3 of 2012)

RECONSTRUCTION OF LOST OR DESTROYED LAND REGISTER

WHEREAS John Mwangi Waithaka, of P.O. Box 48847-00100, Nairobi in the Republic of Kenya, is registered as proprietor of an estate in fee simple of all that piece of land known as L.R. No. 1159/442, situate in the city of Nairobi, by virtue of a grant registered as I.R. 136388/1, and whereas the land register in respect thereof is lost or destroyed, and efforts made to locate the said land register have failed, notice is given that after the expiration of sixty (60) days from the date hereof, the property register shall be reconstructed under the provisions of section 33 (5) of the Act, provided that no objection has been received within that period.

Dated the 15th August, 2014.

MR/5692091 W. M. MUIGAI,
Land Registrar, Nairobi.

GAZETTE NOTICE No. 5674

THE LAND REGISTRATION ACT
(No. 3 of 2012)

RECONSTRUCTION OF LOST OR DESTROYED LAND REGISTER

WHEREAS Jared Obango Edmond, of P.O. Box 27968-00100, Nairobi in the Republic of Kenya, is registered as proprietor lessee of all that piece of land known as L.R. No. 209/1944, situate in the city of Nairobi, by virtue of a grant registered as I.R. 105025/1, and whereas the land register in respect thereof is lost or destroyed, and efforts made to locate the said land register have failed, notice is given that after the expiration of sixty (60) days from the date hereof, the property register shall be reconstructed under the provisions of section 33 (5) of the Act, provided that no objection has been received within that period.

Dated the 15th August, 2014.

MR/5692097 W. M. MUIGAI,
Land Registrar, Nairobi.

GAZETTE NOTICE No. 5675

THE LAND REGISTRATION ACT
(No. 3 of 2012)

RECONSTRUCTION OF LOST OR DESTROYED LAND REGISTER

WHEREAS M/S Fidei Holdings Limited, of P.O. Box 30961, Nairobi in the Republic of Kenya, is registered as proprietor in absolute ownership interest all that piece of land containing 40.0 hectares or thereabout, known KJD/Kipeto/1561, situate in Kajiado North District, and whereas the land register in respect thereof is lost or destroyed, and efforts made to locate the said land register have failed, notice is given that after the expiration of sixty (60) days from the date hereof, the property register shall be reconstructed under the provisions of section 33 (5) of the Act, provided that no objection has been received within that period.

Dated the 15th August, 2014.

MR/5692201 R. K. KALAMA,
Land Registrar, Kajiado North District.

GAZETTE NOTICE No. 5676

THE LAND REGISTRATION ACT
(No. 3 of 2012)

RECONSTRUCTION OF LOST OR DESTROYED LAND REGISTER

WHEREAS Khadija Bwanasisi Obo, of P.O. Box 5970-80200, Malindi in the Republic of Kenya, is registered as proprietor of all that piece of land containing 1.82 hectares or thereabout, known as Kilifi/Jimba/1175, situate in Malindi District, and whereas the green card in respect thereof is lost or destroyed, and efforts made to locate the said green card have failed, notice is given that after the expiration of sixty (60) days from the date hereof, the property register shall be reconstructed under the provisions of section 33 (5) of the Act, provided that no objection has been received within that period.

Dated the 15th August, 2014.

MR/5678976 J. T. BAO,
Land Registrar, Malindi District.

GAZETTE NOTICE No. 5677

THE LAND REGISTRATION ACT
(No. 3 of 2012)

OPENING OF A NEW REGISTER

WHEREAS Lepish ole Loolgila, of P.O. Box 1205-00100, Nairobi in the Republic of Kenya, is registered as proprietor in absolute ownership interest of that piece of land containing 40.5 hectares or thereabout, situate in the district of Kajiado, registered under title No. KJD/Kitengela/329, and whereas the first edition of the land register showing aforesaid ownership is lost, and whereas sufficient evidence has been adduced to show the said ownership and loss, notice is given that after the expiration of sixty (60) days from the date hereof, I shall open a new register provided that no objection has been received within that period.

Dated the 15th August, 2014.

MR/5692140 J. M. WAMBUA,
Land Registrar, Kajiado District.

GAZETTE NOTICE No. 5678

THE LAND REGISTRATION ACT
(No. 3 of 2012)

REGISTRATION OF INSTRUMENT

WHEREAS Stephen Njoroge Kagiri (ID/1750240), of Nyandarua in the Republic of Kenya, is registered as proprietor of that piece of land known as Nyandarua/Kipipiri/1124, situate in the district of Nyandarua, and whereas the chief magistrate's court at Naivasha in civil case No. 14 of 1987 has ordered that the said piece of land be transferred to Geoffrey Kimani Karanja, and whereas all efforts made to compel the registered proprietor to surrender the land title deed issued in respect of the said piece of land to the land registrar have failed, notice is given that after the expiration of thirty (30) days from the date hereof, provided no valid objection has been received within that period, I intend to dispense with the production of the said land title deed and proceed with the registration of instrument of transfer and register Geoffrey Kimani Karanja as the registered owner, and upon such registration the land title deed issued earlier to the said Stephen Njoroge Kagiri, shall be deemed to be cancelled and of no effect.

Dated the 15th August, 2014.

MR/5692047 N. G. GATHAIYA,
Land Registrar, Nyandarua/Samburu Districts.

GAZETTE NOTICE No. 5679

THE LAND REGISTRATION ACT
(No. 3 of 2012)

REGISTRATION OF INSTRUMENTS

WHEREAS Kipchobot arap Rotich (deceased), is registered as proprietor of those pieces of land known as Kapsaret/Simat Block 2 (Simat)/30 and 63, situate in the district of Uasin Gishu, and whereas

the High Court at Eldoret in succession cause No. 30 of 2013, has issued grant of letters of administration and certificate of confirmation of grant in favour of (1) Simon Kiplagat, (2) Benjamin Rotich and (3) Amos Kiprugut Rotich, and whereas the said court has executed an application to be registered as proprietors by transmission R. 19 in respect of the said piece of land registered in the name of Kipchobot arap Rotich (deceased), and whereas the land title deed issued in respect to the said piece of land has been reported missing or lost, notice is given that after the expiration of thirty (30) days from the date hereof, provided no valid objection has been received within that period, I intend to dispense with the production of the said land title deed and proceed with registration of the said application to registered as proprietors by transmission of R.L. 19, in the names of (1) Simon Kiplagat, (2) Benjamin Rotich and (3) Amos Kiprugut Rotich, and upon such registration the land title deed issued earlier to the said Kipchobot arap Rotich (deceased), shall be deemed to be cancelled and of no effect.

Dated the 15th August, 2014.

W. K. SIRMA,

MR/5692282

Land Registrar, Uasin Gishu District.

GAZETTE NOTICE NO. 5680

THE LAND REGISTRATION ACT

(No. 3 of 2012)

REGISTRATION OF INSTRUMENT

WHEREAS Ngugi Ngoroto "B" (deceased), is registered as proprietor of that piece of land containing 1.4 acres or thereabout, known as Muguga/Muguga/33, situate in the district of Kiambu, and whereas the chief magistrate's court at Kiambu in succession cause No. 9 of 2013, has issued grant of letters of administration to (1) Francis Njunge Ngugi, (2) John Mbogo Ngugi and (4) Hannah Wangari Ngugi, and whereas the land title deed issued earlier to the said Ngugi Ngoroto "B" (deceased) has been reported missing or lost, notice is given that after the expiration of thirty (30) days from the date hereof, provided no valid objection has been received within that period, I intend to dispense with the production of the said land title deed and proceed with registration of the said instrument of R.L. 19 and R.L. 7, and upon such registration the land title deed issued earlier to the said Ngugi Ngoroto "B" (deceased), shall be deemed to be cancelled and of no effect.

Dated the 15th August, 2014.

W. N. MUGURO,

MR/5692079

Land Registrar, Kiambu District.

GAZETTE NOTICE NO. 5681

THE KENYA INFORMATION AND COMMUNICATIONS ACT

(Cap. 411A)

APPLICATION FOR A LICENCE

NOTICE is given that the following applicant has, pursuant to the provisions of the Kenya Information and Communications Act, CAP 411A made applications to the Communications Authority of Kenya for the grant of a licence as appears against its name.

Name of Company	Address	License Category
Overseas Courier Resort Limited	P.O. Box 814-00300, Nairobi	Intra Country Postal Courier Operator

The reason for the grant of the license is to enable the applicant to operate and provide Intra Country Postal/Courier systems and services as indicated above. The grant of the license may affect public and local authorities, companies, persons or bodies of persons within the country.

Any public or local authority, company, person or body of persons desirous of making any representation on or objection to the grant of that license as aforesaid must do so by letter addressed to the Director-General, Communications Authority of Kenya, Waiyaki Way, P.O. Box 14448-00800, Nairobi indicating the License Category on the outside of the cover enclosing it on or before expiry of thirty (30) days from the date of this notice and must forward to the applicant a copy of such representation or objection.

Dated the 7th August, 2014.

FRANCIS W. WANGUSI,

Director-General.

GAZETTE NOTICE NO. 5682

THE SACCO SOCIETIES REGULATORY AUTHORITY (SASRA)

STATEMENT OF FINANCIAL POSITION AS AT 30TH JUNE 2013

ASSETS	NOTES	2013 Jun-13 K.Sh	2012 Jun-12 K.Sh
Non Current Assets			
Property, Plant & Equipment	11a	57,830,839	30,469,165
Intangible Assets	11b	15,141,061	2,216,883
Total Fixed Assets		72,971,900	32,686,048
Current assets			
Receivables	12	2,747,320	232,573
Deposits	13	3,500,119	3,500,119
Prepayments	14	3,717,059	3,193,211
Other receivable	15	183,500	888,348
Cash and Cash Equivalents	16	65,992,046	33,023,098
Total Current Assets		76,140,044	40,837,349
TOTAL ASSETS		149,111,945	73,523,397

FUND AND LIABILITIES**FUNDS**

Capital Fund	17	157,230,545	54,400,329
General Fund	18	(23,590,855)	3,126,375
Total Funds		133,639,689	57,526,704

Liabilities**Current Liabilities**

Trade Payables	19	1,244,257.86	4,991,145
Other Payables	20	24,997	97,877
Provisions	21	14,203,000	10,907,671

Total Current Liabilities

15,472,255	15,996,693
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TOTAL FUNDS AND LIABILITIES

149,111,944	73,523,397
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STATEMENT OF COMPREHENSIVE INCOME FOR PERIOD ENDED 30TH JUNE 2013

		2013 K.Sh	2012 K.Sh
REVENUE			
GoK Grant	1	103,392,000	90,850,000
AIA (Internally Generated Funds)	2	130,037,962	115,403,504
		233,429,962	206,253,504
Less: Transfer to Capital Fund		(27,643,961)	(16,130,298)
		205,786,001	190,123,206
Donor/Development Partners Support	3	40,286,810	12,927,903
Gain on disposal of asset	4	-	1,918,500
Total Revenue (a)		246,072,811	204,969,609
EXPENDITURE			
Employee costs and benefits	5	140,931,242	113,760,047
Board Expenses	6	6,569,876	8,426,918
Operating and Maintenance Costs	7	88,912,249	57,542,220
Provisions for doubtful receivable	8	-	4,711,811
Provision for Depreciation	9a	28,428,849	8,636,554
Provision for Amortisation	9b	7,715,824	203,425
Provision for Audit fees		232,000	232,000
Total Expenditure (b)		272,790,040	193,512,975
Surplus/(Deficit) to General Fund (a-b)		(26,717,229)	11,456,634.27

STATEMENT OF CASH FLOW FOR THE ENDED 30TH JUNE 2013

	2013 K.Sh	2012 K.Sh
Cash Flow from Operating Activities		
Surplus from operations to 30th June 2013	(26,717,229)	11,456,636
Adjustment for:		
Depreciation	28,428,538	8,636,554
Amortisation	7,715,824	203,425.00
Gain on disposal of asset	-	(1,918,500)
Cash Flow from Operating Activities before working Capital Changes	9,427,132	18,378,115
Adjustment for working capital changes:		
Increase in Debtors & Prepayments	(2,333,747)	1,853,502
Decrease in Payables & Accruals	(524,437)	5,133,031
Net Cash from Operating Activities	6,568,948	25,364,648
Cash Flow from Investing Activities		
Purchase of Property plant & Equipment	(1,243,961)	(16,130,298)
Insurance claim for Vehicles	-	5,111,250
Net Cash from Investing Activities	(1,243,961)	(11,019,048)
Cash Flow from Financing Activities		
Gok Grants Dev/Capital	26,400,000	15,000,000
AIA(Internally Generated Fund)	1,243,961	1,130,298
Net Cash from Financing Activities	27,643,961	16,130,298

Net Increase/(Decrease) in Cash and Cash Equivalent	32,968,948	30,475,898
Cash and Cash Equivalent as at 30th June 2012	33,023,098	2,547,200
Cash and Cash Equivalent as at 30th June 2013	65,992,046	33,023,098

STATEMENT OF CHANGES IN FUND BALANCES FOR THE PERIOD ENDED 30TH JUNE 2013

	Capital Fund K.Sh	General Fund Restated K.Sh	TOTAL K.Sh
2009/2010			
As at 1st July 2009	-	36,000,000	36,000,000
Recurrent Expenditure		(22,605,251)	(22,605,251)
Transfer to General Fund	17,760,250	(17,760,250)	-
As at 30th June 2010	17,760,250	(4,365,501)	13,394,749
2010/2011			
As at 1st July 2010	17,760,250	(4,365,501)	13,394,749
Prior Year Adjustments	-	184,130	184,130
As at 30th June 2010	17,760,250	(4,181,371)	13,578,879
Devt/Capital funds (GOK& AIA)	18,529,781	-	18,529,781
Donations from FLSTAP	1,980,000	-	1,980,000
Deficit for the Year	-	(1,792,055)	(1,792,055)
Prior Year adjustments	-	(2,356,837)	(2,356,837)
As at 30th June 2011	38,270,031	(8,330,263)	29,939,768
YEAR 2011/12			
As at 1st July 2011	38,270,031	(8,330,263)	29,939,768
Devt/Capital funds(GOK& AIA)	16,130,298		16,130,298
Surplus for FY 2011/2012		11,456,636	11,456,636
As at 30th June 2012	54,400,329	3,126,373	57,526,702
YEAR 2012/13			
As at 1st July 2012	54,400,329	3,126,373	57,526,702
Devt/Capital funds(GOK& AIA)	27,643,961	-	27,643,961
Donations from FLSTAP:			
ERP Supply & installation	19,098,402	-	19,098,402
Supply of ICT Equipments	56,087,853	-	56,087,853
Surplus/Deficit for the Year	-	(26,717,229)	(26,717,229)
As at 30th June 2013	157,230,545	(23,590,856)	133,639,688

Dated the 5th August, 2014.

JOHN B. NTHUKU,
Board Chairman.

MR/5692165

CARILUS ADEMBA,
Chief Executive Officer.

GAZETTE NOTICE NO. 5683

THE COMMISSION FOR THE IMPLEMENTATION OF THE CONSTITUTION
QUARTERLY REPORT FOR JULY–SEPTEMBER 2013

MISSION AND VISION OF THE COMMISSION

VISION

A united and prosperous Kenya in which everyone respects, upholds and defends the Constitution.

MISSION

To ensure that policies, laws, structures, systems and administrative procedures developed and applied at all levels are consistent and in accord with the letter and spirit of the Constitution of Kenya.

LIST OF ABBREVIATIONS

AG	Attorney General
APRM	Africa Peer Review Mechanism
CIC	Commission for the Implementation of the Constitution
CIOC	Committee on the Implementation of the Constitution
CRPD	Convention of the Rights of Persons with Disabilities
CRA	Commission for Revenue Allocation
EACC	Ethics and Anti-Corruption Commission
IBP	International Budget Partnership
IEBC	Independent Electoral and Boundaries Commission
MDA	Ministries, Departments and Agencies
NEPAD	The New Partnership for Africa's Development
NLC	National Land Commission
PPOA	Public Procurement Oversight Authority
PFM	Public Finance Management
SRC	Salaries and Remuneration Commission
TA	Transition Authority
UNDP	United Nations Development Programme
UN	United Nations

FOREWORD

The Commission for the Implementation of the Constitution is happy to present the quarterly report covering the period July - September 2013 in keeping with our commitment and as required by the Constitution of Kenya, 2010 to publicize status of the its implementation. The preparation and submission of reports is one of the ways in which the Commission communicates to stakeholders and the people of Kenya on the status of implementation of the Constitution, challenges and impediments facing the implementation process and proposals on how to address the challenges and potential impediments.

The period under review is significant because it was the period in which the National Government is fully constituted with the appointment of principal secretaries and cabinet secretaries. It was also the period in which County governments were allocated funds on the basis of the constitutional division of revenue process. The period also saw the preparation county inaugural budgets that would guide the county development agenda for the year 2013/2014. The county budgeting process unfortunately revealed lack of common vision between the county executive and county assembly, a challenge that calls for a common understanding of goals for counties.

As we move forward with implementation of the Constitution, it is clear that an inadequate level of civic education leaves the people of Kenya without adequate skills to carry out meaningful vigilance on the implementation process. In particular, inadequate civic education severely compromises the role of the people to effectively exercise their sovereign power through public participation in policy making, legislation and development planning.

A major challenge that the process of implementation faces at this stage, emanates from those state organs that have the greatest obligation to ensure its implementation. A particular concern here is the rather increasing tendency to rush to amendments to the Constitution without giving sufficient thoughts to the issue. Beyond the individual, partisan and group interests, it is not at all clear whether some of the proposed amendments enhance the constitutionalism and promote the interests of the people of Kenya. Such premature amendments of the Constitution bring to mind the many amendments that were effected to the independence Constitution with the net effect of serving the executive and failing the people of Kenya.

While devolution of government is one of the hallmarks of the Constitution of Kenya 2010, county governments are under threat as seen in the various proposals to amend devolution related legislation. The people of Kenya must guard devolution and support the devolved units if their aspirations as espoused in the Constitution are to be realized.

Notwithstanding the challenges, the Commission will continue to work with all Kenyans to refocus our energies to realise a full implementation of the Constitution.

Once again I thank all our stakeholders, CIC staff, UNDP and our development partners for their continued support and dedication.

CHARLES NYACHAE,
Chairperson.

EXECUTIVE SUMMARY

This is the progress report by the Commission for the Implementation of the Constitution covering the period July – September 2013. The report, as required by the Constitution of Kenya, 2010 {Sections 4(a), 5(6), and 15(2)(d)} and the CIC Act 2010, has highlighted,

- (i) The progress in the implementation of the Constitution;
- (ii) The preparation of the legislation required by the Constitution and any challenges in that regard;
- (iii) The process of establishing new commissions;
- (iv) The process of establishing the infrastructure and systems necessary for the proper operations of county governments;
- (v) Challenges to the process of implementing the Constitution;

The Commission has articulated and maintained the position that the review and development of policies are the foundation upon which legislation and administrative procedures should be anchored. During the reporting period, the Commission engaged with various ministries and departments in the review and development of six policies, which are at various levels of development. These include: Kenya Health Policy, Ambulance Policy, Public Participation Policy, Water Policy, Wildlife Conservation and Management Policy, and the Medium Term Plan II (2013- 2017).

The Fifth Schedule to the Constitution identifies 48 Articles of the Constitution that require legislation, and any other legislation required by the Constitution, to be developed within five years of the promulgation of the Constitution. During the reporting period, the Commission worked with the National Executive and other stakeholders to facilitate the review of existing laws and development of new legislation according to the procedure in Article 261(1) and (4) of the Constitution. The laws, which are at different stages of development, are: The Mining Bill, 2013, The Public Service Commission Bill, 2013, and The Basic Education Bill 2013. The County Governments (Amendment)(No.2) Bill, 2013 that seeks to amend the County Governments Act, 2012 to provide for the establishment of County Development Boards in each county was found to violate the letter and spirit of the Constitution; of which the Commission gave a detailed advisory to the National Assembly and the Senate.

Other Bills that were reviewed during the reporting period are Media Council of Kenya Bill, 2013, and Kenya Information and Communications (Amendment) Bill, 2013. CIC raised several concerns on the content of the latter, as it was found to be at variance with the Constitution. The Counsellors, Psychologists and Psychotherapist Bill 2013 and the Psychologists and Counsellors Bill 2013 were found to be different Bills but dealing with the same subject. A technical team was constituted to amalgamate them.

The Marriage Bill 2013, The Matrimonial Property Bill 2013 and The Protection Against Domestic Violence Bill, 2013 were processed in September 2012 and dispatched to the Attorney General for final drafting and submission to the Cabinet. The first two Bills were published in July 2013 and the last Bill is with the Attorney awaiting publication.

The security related Bills that were reviewed during the period are: The National Police Service Commission (Amendment) Bill, The National Police Service (Amendment) Bill, National Coroner Service Bill, 2013, and the Private Security Regulation Bill, 2013. The latter establishes a Private Security Regulation Authority tasked with the responsibility of regulating, registering and licensing private security services providers. Other Bills that were reviewed are: The Election Campaign Financing Bill, 2013, Water Bill, 2013 and Wildlife Conservation and Management Bill, 2013.

The Commission also received a number of legislative proposals to amend some Acts of Parliament and certain Articles of the Constitution. They include, amendment of the Universities Act, 2012, amendment of the Public Procurement and Disposal Act, 2005 and amendment of the Constituency Development Fund Act, 2013. The Commission found several proposals in the amendment of the Constituency Development Fund Act, 2013 that contravened the provisions of the Constitution. They include negation of the principle of separation of powers among the different arms of government, unclear functional assignment between the Constituency Development Fund Committee and the County Government, etc. The Commission sent an advisory on the same to the National Assembly.

The proposed amendments to Article 260 of the Constitution to delete the offices of Members of Parliament, Judges & Magistrates and Members of County Assemblies from the list of designated State Offices were found to be so profound that the Commission feels this would fundamentally change many provisions of the Constitution. The Commission issued an advisory detailing the impact of these proposals on the Constitution.

The Kenya Law Reform Commission is facilitating development of County Model Laws on Cultural Activities, Public Entertainment and Public Amenities. The Bills are model laws that will guide county governments in their development of laws to facilitate implementation of their functions as provided in the Fourth Schedule to the Constitution.

Administrative procedures and institutional frameworks are required to implement the Acts of Parliament or certain provisions thereof. During the reporting period, the Commission engaged the National Police Service Commission and the Ministry of Interior and Coordination of National Government on regulations and other administrative measures required to implement the National Police Service Act, 2011 and the National Police Service Commission Act, 2011. Discussion on regulations under Kenya Defence Forces Act, 2012 led to 12 sets of regulations forwarded to the Attorney-General's office for publication.

Regulations required to implement the Power of Mercy Act, 2011, National Intelligence Service Act, 2012, National Government Coordination Act, 2013 and National Security Council Act, 2012 are among the regulations that, despite reminders to respective institutions, have not been received by CIC.

The Commission has also been involved in the development and piloting of a change management framework. The framework provides a structured and systematic approach to transforming individuals, groups of people and institutions to entrench a culture of constitutionalism within the institution and in service delivery. The Commission supported Change Management Leadership Orientation for the Board of Directors of Retirement Benefits Authority, University of Nairobi Rapid Results Initiative on Implementation of the Constitution and Integrity, and Change management programme-application of Africa Peer Review Mechanism Governance Tools for Improvement of Governance in Kenya.

The Commission is also finalising a publication of a framework on Public Participation to guide both policy makers and the public on effective implementation and monitoring of national and county programmes and activities.

CIC continues to work with Chapter 15 Constitutional Commissions and the two independent offices in monitoring, overseeing and facilitating the implementation of the Constitution. All the commissions and independent offices envisaged in the Constitution have been established according to the law and are operational except for the Kenya National Commission on Human Rights and the Teachers Service Commission whose members are yet to be appointed. CIC urges the National Executive to expedite the process of appointment of members to these commissions in accordance with the Constitution.

CIC developed an engagement mechanism to enhance collaboration amongst the Commissions and the Independent Offices. In August 2013, the Forum of Chairpersons convened the Second Annual Conference to discuss the role of Constitutional Commissions on devolution and good Governance. The forum observed the need for structured engagement with county governments and setting up standards, systems and structures for transparency and accountability to be emulated by other institutions as they fulfil the aspirations of Kenyans. Undermining of some commissions and independent offices by some arms of government and limited allocation of funds were noted as challenges facing them.

To ensure that devolution was on track, CIC made a special focus on both the national and county governments. CIC is also reviewing devolution policies, legislation, and administrative procedures at both levels of government. The Sessional paper on the system of devolved government developed in 2011 is being reviewed to guide implementation of the system of devolved government.

Functional analysis and development of transition implementation plans have lagged behind the anticipated timelines in the Transition to Devolved Government Act, 2012. During the reporting period, the Transitional Authority (TA) reported that it had developed a framework to carry out a functional analysis through which they worked with ministries, departments and state agencies (MDAs) to unbundle the functions. In August 2013, TA issued a legal notice No. 137, which required counties to apply for transfer of functions. During the period, a total of 10 different types of plans were prepared, including County government transition implementation plans, urban areas and cities plans, County development plans, County sectoral plans, and spatial plans. The approval of plans was reported by County Assemblies (CA) as work-in-progress with only one county having approved the County Governments Transition Implementation Plan.

Various consultations on the implementation of the system of devolved government were concluded during the reporting period. The Commission developed and discussed with the Ministry of Health a tool aimed at providing a practical step-by-step guide in analysing, unbundling and costing economic and social rights as provided for in Article 43 of the Constitution of Kenya 2010. Kenya health sector forum discussed challenges relating to transfer of functions, with the Commission emphasising that health is a devolved function under the 4th Schedule and should be implemented in accordance with the Constitution.

A departmental committee on health consultative meeting noted challenges facing health workers in the new constitutional dispensation and the health sector intergovernmental consultative meeting, bringing together CIC and the County Executive Committee members responsible for Health matters, agreed on a number of subjects. Among the things agreed on is that County Executive Committee members to facilitate the review of the Health Policy and the Health Bill and forward their comments to the Commission by 20th October 2013.

CIC held consultations with the Senate focusing on issues of the implementation of the system of devolved government and agreed on several quick action points to be implemented by the senate. These included; development of a framework to guide the implementation of the Senate's mandate under Article 96 of the Constitution, clarification of the Senate's mandate on representation of Counties and protection of the interests of the counties and their governments.

Perhaps the establishment of the Intergovernmental Consultative Forum is one pointer to challenges facing devolution. The Intergovernmental Relations Act, 2012 (No.2) establishes about six intergovernmental relations structures. So far, it is only the National and County Government Coordinating Summit and Council of Governors that have been established. As required by 13(2) of the Act, the Ministry of Devolution and Planning convened meetings to deliberate on the modalities for establishing sectoral consultative forum to increase consultations and working relationships between the national government and the county governments.

During the reporting period, the Commission issued a number of advisories such as an advisory on the Constitution of Kenya (Amendment) Bill, 2013, advisory on the proposed amendment of the Constituency Development Fund Act, 2013, advisory on the Election Campaign Financing Bill, 2013, etc.

The Commission did not initiate any new cases during the reporting period. However, the Commission continued to pursue other matters pending in court, which are at various stages of consideration.

During the reporting period, the Commission received reports on two studies that it had commissioned; an analysis of reports received from ministries and state agencies since April 2011, and an assessment of progress made towards implementation of the Constitution. The analysis reveals progress in the implementation of the Constitution. About half of the sampled institutions have identified policies to be developed. However, the analysis revealed irregular and incompleteness of reports from ministries and state agencies.

The implementation of the Constitution continues to face a number of challenges. These include disregard for constitutional procedure for developing and processing Bills, and attempts to defeat the letter and spirit of the Constitution. These include substantive amendment to legislation through the back door under Statute Law (Miscellaneous) Bill, overlooking the state departments in formulating policy and legislative proposals, and proposed amendments to the constitution (Article 260) to have members of parliament, judges & magistrates and members of county assemblies as non-state officers. The consequence of the proposed amendment will occasion additional expenditure of public funds by increasing the wage bill.

PART ONE

INTRODUCTION

1.1. Mandate of the Commission

The Commission for the Implementation of the Constitution ('the Commission') is established under Section 5(1) of the Sixth Schedule to the Constitution. The mandate of the Commission is stipulated in Section 4(a), 5(6), and 15(2)(d) of the Sixth Schedule to the Constitution, the Commission for the Implementation of the Constitution Act, 2010 and the Transition to Devolved Government Act, 2012. These are:

- (a) Monitor, facilitate and oversee the development of legislation and administrative procedures required to implement the Constitution;
- (b) Co-ordinate with the Attorney-General and the Kenya Law Reform Commission in preparing for tabling in Parliament, the legislation required to implement the Constitution;
- (c) Report every three (3) months to the Constitutional Implementation Oversight Committee on:
 - (i) Progress in the implementation of the Constitution;
 - (ii) The preparation of the legislation required by the Constitution and any challenges in that regard;
 - (iii) The process of establishing new commissions;
 - (iv) The process of establishing the infrastructure necessary for the proper operations of each county including progress on locating offices, assemblies and establishment and transfer of staff;
 - (v) Any impediments to the process of implementing the Constitution;
- (d) Work with each Constitutional Commission to ensure that the letter and spirit of the Constitution is respected;
- (e) Exercise such other functions as are provided for by the Constitution or any other written law, and;
- (f) Monitor and oversee the transition process to devolved government and ensure that the system of devolved government is implemented effectively.

The Commission is further obligated to meet the objects of Constitutional Commissions and Independent Offices as set out in Article 249 (1) of the Constitution, which are:

- (a) Protecting the sovereignty of the people;
- (b) Securing the observance by all State organs of democratic values and principles; and
- (c) Promoting constitutionalism.

In discharging its mandate, the Commission is obliged to observe, promote, respect and protect national values and principles of governance as stipulated in Article 10 of the Constitution.

This report is prepared and submitted pursuant to the reporting requirement of the Commission stipulated in Sections 4(a), 4(d) and 25(1) of the CIC Act.

1.2. Organization of the Report

This report is divided into Eight Parts and Seven Annexes. Part One summarizes the Commission's mandate. Part Two provides an analysis of the Commission's achievements during the reporting period under the subheadings of policies, legislation and administrative procedures that were reviewed. Achievements are not restricted to this part of the report but are discussed throughout the report.

Part Three presents discussions on establishment and operationalization of constitutional commissions and independent offices, and CIC engagement with them to ensure that the letter and spirit of the constitution is respected. This part of the report also discusses challenges faced by these commissions. Part Four focuses on the System of Devolved Government. It highlights the work of CIC on devolution and engagement with various stakeholders to ensure effective implementation of the devolved system of government. A section has been devoted to highlight challenges facing devolution.

Part Five is a summary of CIC activities in promoting constitutionalism and protecting the sovereignty of the people. These include media statements and advisories, stakeholder engagements, forums, and judicial interventions by the Commission.

Part Six presents a summary of two studies carried out by the Commission: Analysis of reports from government ministries, departments and state agencies on the implementation of the Constitution, and Assessment of Status of Constitution Implementation. Part Seven presents the challenges, impediments and recommendations. Part Eight summarises activities planned for the period October-December, 2013. Finally, the report has seven annexes.

PART TWO

ACHIEVEMENTS

This Part of the report addresses three main areas: review and development of policies, review and development of legislation and review and development of administrative procedures.

2.1 Review and Development of Policies

The Commission for the Implementation of the Constitution has articulated and maintained the position that review and development of policies are the foundation upon which legislation and administrative procedures should be anchored. It is the responsibility of government executives to initiate the development of policies. In addition, the Fourth Schedule to the Constitution specifies a number of policies that the National government is expected to develop. During the reporting period, the Commission engaged with various ministries and departments in the review and development of six policies, which are at various levels of development as discussed below.

(1) Kenya Health Policy 2012

The Kenya Health Policy 2012–2030 seeks to give direction on improvement in the overall status of health in Kenya in line with the Constitution, global commitments and the Vision 2030. The Commission received the draft Policy from the Ministry of Health and circulated it to county governments for input since delivery of health services is a county government function under the Fourth Schedule to the Constitution.

CIC is currently receiving comments from county governments and reviewing them for inclusion in the policy. CIC will convene a stakeholder consultative forum to finalize the review of the final policy before engaging the Ministry of Health for finalization of the policy.

(2) Ambulance Policy

The Ministry of Health has developed a Concept Paper and Draft Policy on Ambulance Services in Kenya. The Policy, which has been submitted to CIC for review, seeks to reduce time laps between injury and medical attention. It is also intended to reduce the complications and deaths by ensuring provision of high quality primary (pre-hospital) curative care.

The ambulance services are a function of the county governments. The Commission is therefore reviewing the Concept Paper to ensure compliance with the letter and spirit of the Constitution. CIC will further engage with the Nurses Organization and other stakeholders on the review of the Concept Paper on the Ambulance Policy.

(3) Public Participation Policy

During the reporting period, the Commission received a concept paper on Public Participation Policy from the Department of Justice under the Office of the Attorney General. This is as a result of a stakeholder forum organised by CIC in September 2012, in which it was agreed that the then Ministry of Justice, National Cohesion and Constitutional Affairs would facilitate the development of a Policy on Public Participation. The concept paper sets out guidelines for the development of a Policy that will provide for mechanisms for citizens to participate meaningfully in the affairs of national and county governments. The policy will also clarify the roles and responsibilities of the two levels of government, non-state actors and the public.

The Commission reviewed the concept paper internally and circulated it to members of a steering committee of stakeholders for comments. The recommendations were consolidated and CIC will engage with the Office of the Attorney General and the Department of Justice to discuss the recommendations with a view to finalizing the Policy.

(4) Water Policy

The Commission received the Water Policy from the Ministry of Environment, Water and Natural Resources. A number of constitutional issues requiring alignment with the Constitution were identified. The Commission is reviewing them to ensure compliance with the letter and spirit of the Constitution.

(5) Wildlife Conservation and Management Policy

The Commission received the Wildlife Conservation Management Policy from the Ministry of Forestry and Wildlife. The Policy is currently undergoing internal review. CIC will conduct stakeholder meetings to ensure public participation in finalising the policy.

(6) Medium Term Plan II (2013- 2017)

During the reporting period, the Commission participated in the finalisation of the Medium Term Plan II (2013 – 2017) and its related monitoring and evaluation framework. The Commission's recommendations were focused on:

- Mainstreaming a citizen-centered and values driven approach across all pillars
- Identifying Constitution implementation issues that should inform the policy, legal and institutional reforms
- Flagging areas of concern with regards to the implementation of the MTP II in the context of a system of devolved government.

2.2 Review and Development of Legislation

The Fifth Schedule to the Constitution identifies 48 Articles of the Constitution that require legislation to implement the Constitution within a period of five years from the promulgation of the Constitution. The Schedule also provides for "Any other legislation required by the Constitution", though not specifically under any Article of the Constitution, to be developed within five years of promulgation of the Constitution. Further, Section 7(1) of Fifth Schedule provides that "*All laws in force immediately before the effective date continues in force and shall be construed with the alterations, adaptations, qualifications and exceptions necessary to bring it into conformity with this Constitution*". This provision calls for an audit for compliance with the Constitution, of all laws existing before the effective date.

The Commission thus, continued to work with the National Executive and other stakeholders to facilitate the review of existing laws and development of new legislation according to the procedure in Article 261(1) and (4) of the Constitution. During the reporting period, the following laws, at different stages of finalisation, were reviewed for alignment with the Constitution.

(1) Mining Bill, 2013

The Commission finalized the review of the Mining Bill, 2013 and submitted it to the Attorney General. The Bill is intended to regulate the mining industry, which has enormous potential for development of the country. In reviewing the Bill, the Commission engaged with different stakeholders to address issues of concern before it was finalised. CIC also made a presentation giving a summary of the Mining Bill, 2013 to the National Assembly Departmental Committee on Environment and Natural Resources.

(2) Public Service Commission Bill, 2013

In July 2013 the Public Service Commission convened a consultative meeting to discuss the regulations that had been developed under the Public Service Commission Act, 2012. CIC observed that the regulations contained matters of principle and policy, which should be anchored in substantive legislation. There was also a gap in the Public Service Commission Act as it did not have enabling provisions on which the regulations could be anchored.

The Public Service Commission thereafter reviewed the Public Service Commission Act, 2012 and forwarded the proposed amendments to CIC. The Bill is intended to repeal the Public Service Commission Act, 2012 and provide for the establishment of the Public Service Commission with the functions and powers as contemplated in Article 234. CIC will finalise the review in the next quarter.

(3) Basic Education Act 2013

The Commission undertook a review of the Basic Education Act 2013 to ensure that the rights and special needs of learners with disabilities are incorporated in the Act in accordance with the requirements of Article 54(1) (b) of the Constitution. This followed a consultative process with state and non- state actors to review a concept note on mainstreaming disability rights in all aspects of society. The Concept note guided the development of legislative proposals for the review of the Basic Education Act, 2013.

A stakeholder meeting held to review the Basic Education Act, 2013 recommended that the scope of the review be expanded to cover relevant constitutional provisions in addition to the inclusion of rights of learners with disabilities. In the course of reviewing the Act, CIC received a legislative proposed amendment on the Bill from the National Assembly. The Commission reviewed the legislative proposals and forwarded its recommendations to the National Assembly in an advisory dated 16th August 2013. CIC also learned that various stakeholders were reviewing the Act to address various conflicting provisions. The scope of the review was therefore expanded to address proposals received from other stakeholders. The review of the Basic Education Act, 2013 is still on going.

(4) The County Governments (Amendment)(No.2) Bill, 2013

The Amendment Bill, which was published on 7th August 2013, seeks to amend the County Governments Act, 2012 by inserting a new section to provide for the establishment of County Development Boards in each county. CIC reviewed the Bill and found that, the proposed amendment Act

violates the letter and spirit of the Constitution. The Commission gave a detailed advisory to the National Assembly and the Senate on the proposed amendment, which in summary indicates that the proposed amendment;

- (a) Contravenes the principle of separation of powers between the legislative and the executive arms of both the national and county government;
- (b) Contravenes the principle of public participation;
- (c) Duplicates functions of existing intergovernmental consultative forums;
- (d) Contravenes provisions on county planning and budgeting process;
- (e) Has the potential of impacting negatively on the wage bill.

CIC will seek to meet the relevant Senate Committee dealing with the matter to ensure that any offending provisions are deleted.

(5) Media Council of Kenya Bill, 2013

CIC reviewed the Media Council of Kenya Bill, 2013, one of the laws to be enacted by 27th August, 2013, and submitted the Bill to the Attorney General on 9th July, 2013. Further to the submission of the Bill, stakeholders in the media sector raised several issues to be addressed. A stakeholder meeting was held on 16th July 2013 between the Ministry of Information, Communication and Technology, media practitioners and CIC to resolve outstanding issues arising from draft Media Council of Kenya Bill 2013. The meeting identified and recommended various amendments to the Bill which was further reviewed by CIC and resubmitted to the AG's office and published on 22nd July, 2013. It had not been enacted by September.

(6) Kenya Information and Communications (Amendment) Bill, 2013

The Ministry of Information, Communications and Technology established a technical working group to review and align the ICT Sector Policy and legislative framework to Article 34 of the Constitution. The Working Group drew membership from relevant government agencies and stakeholders in the ICT sector.

The working group developed a draft Sector Policy and Kenya Information and Communications (Amendment) Bill, 2013. These were reviewed by CIC, and submitted to the AG on 16th July 2013 as "Kenya Information and Communications (Amendment) Bill, 2013", for publication and subsequent tabling in parliament. The Bill was published on 22nd July, 2013. CIC has raised several concerns on the content of the published Bill, which the Commission is of the view that are at variance with the Constitution.

(7) Counsellors, Psychologists and Psychotherapist Bill 2013

In June 2013, CIC was invited by the National Assembly Departmental Committee on Health to participate at a pre-publication scrutiny meeting, on the proposed Counsellors, Psychologists and Psychotherapist Bill 2013. The Bill, sponsored by a private member proposes to provide for the training, registration, licensing, practice and standards of Counsellors, Psychologists and Psychotherapists as well as establish a Public Body (Board) to administer the law once enacted.

The Commission facilitated a stakeholders meeting on 16th July 2013. In the meeting, the Commission was informed of the existence of another Bill, the Psychologists and Counsellors Bill 2013, sponsored by the then Ministry of State for Public Service. Since the two separate Bills deal with the same subject, the stakeholders agreed on the following:

- (a) The need to amalgamate the Bills to ensure enactment of a comprehensive law that incorporates the concerns of the implementers within the sector. A technical team comprising representatives from the targeted ministries, universities and the professional bodies was proposed to undertake the task. The amalgamated Bill will be subjected to a further and final stakeholder forum before enactment.
- (b) The Bill should set standards to be used to regulate the profession so that consumers of the services of counsellors, psychologists and psychotherapists are protected in line with Article 46 of the Constitution.
- (c) The need for clarity with regards to which ministry the Bill will be anchored. One of the Bills anchored the Bill to the Cabinet Secretary responsible for matters relating to Health, while the other anchored it to the Cabinet Secretary responsible for matters relating to Public Service.
- (d) In view of the fact that the Bills seek to establish institutions that will be funded using public funds, there should be clarity on the procedures that the National Assembly have put in place to guide the processing of Money Bills as provided in Article 114 of the Constitution.
- (e) Kenya Association of Professional Counsellors requests the member sponsoring the Bill to put on hold its processing, to allow for the amalgamation of the Bills.

A technical team has since been constituted to consolidate the Bills and CIC will continue to monitor progress on the amalgamation process, following which the amalgamated Bill will be subjected to CIC review and a final stakeholder forum before its finalization.

(8) Family Law Bills: Marriage Bill 2013; Matrimonial Property Bill 2013 and Protection Against Domestic Violence Bill, 2013

In September 2012, the Commission processed and forwarded the Family Law Bills to the Attorney General for final drafting and publication. However, due to the winding up of the 10th Parliament, the Marriage Bill 2013 and Matrimonial Property Bill 2013 were both published on 5th July 2013, and are awaiting parliamentary debate. The Protection Against Domestic Violence Bill is still with the Attorney General awaiting publication. During the month of August 2013, the Commission was invited by the Justice and Legal Affairs Departmental Committee of the National Assembly to give comments on the Bills. CIC audited the published Bills and prepared a consolidated report on the reasoning behind some of the contentious issues that arose during the CIC-led stakeholder consultations and which continue to elicit debate to date. It is expected that the CIC report will assist the Departmental Committee to appreciate the content of the Bills. The Commission will continue to monitor parliamentary discussions relating to the Bills.

(9) Private Security Regulation Bill, 2013

During the reporting period CIC held consultative stakeholder meetings with key state security organs and the national executive to discuss and finalise the review of the Private Security Regulation Bill, 2013. Amongst other pertinent private security industry matters, the Bill seeks to establish a Private Security Regulation Authority. The Authority is tasked with the responsibility of regulating, registering and licensing private security service providers. The Bill further provides for the cooperation of the Private Security industry with national security organs.

Key stakeholders involved in the process were the National Police Service (including, the Administration Police Service, Kenya Police Service and the Directorate of Criminal Investigations, the Ministry of Interior and Coordination of National Government, the Kenya Law Reform Commission and the Office of the Attorney-General. The Bill was forwarded to the Attorney-General's Office for finalization and tabling in Parliament.

(10) National Coroner Service Bill, 2013

CIC held several consultative stakeholder meetings with key state security organs and the national executive to finalise the review of the National Coroner Service Bill, 2013. The Bill establishes a National Coroner Service that is tasked with the responsibility of investigating sudden deaths, establishing their causes and advising the National Police Service, Directorate of Public Prosecution and the State in general on the causes of those deaths. The Bill was submitted to the Office of the Attorney-General for finalization and submission to Parliament.

The institutions involved in the process of formulation of this Bill were the Ministry of Health, Ministry of Interior and Coordination of National Government, National Police Service, Kenya Law Reform Commission and the Office of the Attorney-General.

(11) The National Police Service Commission (Amendment) Bill and The National Police Service (Amendment) Bill

CIC received the National Police Service Commission (Amendment) Bill and National Police Service (Amendment) Bill, which were reviewed, finalized and submitted to the Attorney-General during the month of July 2013. The Commission consulted various stakeholders in the course of reviewing Bills. The Bills were published and tabled before Parliament for debate.

The Commission appeared before National Assembly Committee on Security and Foreign relations to discuss the Bills. During the meeting, the Commission emphasized the necessity to respect and uphold provisions in Articles 245 and 246 of the Constitution. The Bills were published on 16th July 2013. CIC is following the process in Parliament to ensure that the letter and spirit of the Constitution is upheld.

(12) The Election Campaign Financing Bill, 2013

The Election Campaign Financing Bill, 2013 seeks to regulate the amount of money that may be spent by or on behalf of a candidate or party in respect of any election. The Bill provides for the regulation, management, expenditure and accountability of election campaign funds during election and referendum campaigns. Having been published on 5th July 2013, the Commission reviewed the Bill to ensure constitutionality, technical soundness and conformity with other legislation. The Commission subsequently wrote an advisory to the National Assembly and the Senate with recommendations on the provisions of the Bill on 14th August 2013.

(13) Water Bill, 2013

CIC received the Water Bill from the Ministry of Environment, Water and Natural Resources and identified a number of issues requiring alignment with the Constitution. CIC is currently reviewing the Bill and plans to conduct stakeholder meetings and public participation session to enrich the Bill.

(14) Wildlife Conservation and Management Bill, 2013

CIC received the Wildlife Conservation Management Bill, 2013 from the Ministry of Forestry and Wildlife. CIC is reviewing the Bill to ensure compliance with the letter and the spirit of the Constitution, and will conduct stakeholder meetings to incorporate stakeholder views before finalisation.

(15) Legislative Proposal for the Amendment of the Universities Act, 2012

CIC received a legislative proposal from the National Assembly, seeking to amend the Universities Act, 2012 to make provision for a number of issues not addressed in the Act including:

- (i) Additional membership to the Kenya Universities and Colleges Central Placement Board
- (ii) Compelling a university or college to admit students to its programmes independently with the approval of the Kenya Universities and Colleges Central Placement Board
- (iii) Provide for the rights of applicants to the Kenya Universities and Colleges Central Placement Board

The Commission reviewed the legislative proposal and forwarded its recommendations to the National Assembly in an advisory dated 16th August 2013. Although proposal was reviewed, CIC is of the opinion that there is need for a more comprehensive review of the Act to align it with the Constitution.

(16) Legislative Proposal for the Amendment of the Constituency Development Fund Act, 2013

CIC reviewed the legislative proposal to amend the Constituency Development Fund (CDF) Act, 2013, and forwarded its recommendations to the National Assembly. The recommendations were:

- (i) Any amendment to the CDF Act, 2013 should clarify that the Constituency Development Fund is a charge of the revenue allocated to the National Government;
- (ii) While amending the Act, there should be clear functional assignment between the Constituency Development Fund Committee, which is an entity of the national government, and the County Government, such that the CDF Committee which is not allocated functions under the domain of a County Executive.
- (iii) There should be clear functional assignment between the Constituency Development Fund Committee, which is an entity of the national government, and the County Government, such that the CDF Committee is not allocated functions under the domain of a County Executive.
- (iv) To ensure continuity of projects, the term of office of the Constituency Development Fund Committee should not be subjected to the term of office of the Member of the National Assembly.
- (v) The costs of administration of the CDF Board, inclusive of the costs incurred in staff employment, should be capped at a defined percentage of the total allocation of the Constituency Development Fund. This will ensure the use of funds in the development projects for which they are intended, as opposed to possible over-expenditure on administrative costs.

In August 2013, CIC met the relevant Parliamentary Committee and expressed the above concerns.

(17) Legislative Proposal for the Amendment of the Public Procurement and Disposal Act, 2005

CIC reviewed the legislative proposal by the National Assembly to amend the Public Procurement and Disposal Act, 2005, by making provisions for ensuring that at least twenty five percent of annual procurement by public entities is allocated to the youth in accordance with such conditions as the Cabinet Secretary may prescribe. CIC was in agreement with the proposed amendments, which were in line with the letter and spirit of the Constitution and informed the relevant Parliamentary Committee of its position.

(18) Development of County Model Laws on Cultural Activities, Public Entertainment and Public Amenities

CIC participated in the development of county model laws on Cultural Activities, Public Entertainment and Public Amenities during a meeting organized by the Kenya Law Reform Commission (KLRC). The Bills are model laws that will guide county governments in development of laws to facilitate implementation of their functions as provided in the Fourth Schedule to the Constitution.

2.3 Development of Administrative Procedures and Institutional Structures

(1) Engagement with County Assemblies

The Constitution of Kenya 2010 requires county governments to develop structures and systems necessary for the smooth implementation of the Constitution. These frameworks will also ensure protection of the sovereignty of the people, the observance by all state organs of democratic values and principles and promotion of constitutionalism.

CIC developed a template to be used by each County Assembly to report on their performance in each quarter. The tool captures data in five (5) key areas; membership, legislative role, approval role, oversight role and representation of the people, as required by the Constitution and enhanced further by the various statutes on the system of devolved government. As a result, reports were received and analysed from 34 out of 47 County Assemblies. The results, contained in a report available in CIC, its website (www.cickenya.org) and shared with the County Assemblies, indicate overall efforts to comply with the provisions of the Constitution.

(2) Development of a Public Participation Document

As a follow up to a stakeholder forum on the development of a framework/policy on public participation held in July 2013, the Commission organised a paper writers' meeting on 8th August 2013. The meeting agreed that;

- (a) The paper writers would submit a 500 words abstract. The steering committee would subsequently review the abstracts and give feedback to the writers.
- (b) Thereafter, paper writers would submit their respective chapters for further review, and feedback for finalization.
- (c) The report would be consolidated, edited and finalized by mid October 2013

The publication will guide policy makers and the public on effective implementation and monitoring of public participation principle.

(3) Regulations Under the National Police Service Act, 2011 and National Police Service Commission Act, 2011

The Commission held consultative meetings with the National Police Service Commission and the Ministry of Interior and Coordination of National Government, to discuss regulations and other administrative measures required to implement the National Police Service Act, 2011 and the National Police Service Commission Act, 2011. These organs prioritized various administrative measures for formulation and set clear timelines within which period they would be submitted to CIC.

(4) Regulations Under the Kenya Defence Forces Act 2012 Regulations

The Commission held meetings with the Kenya Defence Forces to discuss and finalize the Kenya Defence Forces Act, 2012 regulations. The 12 sets of regulations were forwarded to the Attorney-General's office for publication.

(5) Regulations Under the Power of Mercy Act, 2011

CIC wrote to the Attorney-General, National Intelligence Service, Ministry of Interior and the Office of the President requesting for submission of Regulations required to implement the Power of Mercy Act, 2011, National Intelligence Service Act, 2012, National Government Coordination Act, 2013 and National Security Council Act, 2012.

The Commission further sought from the Ministry of Interior and National Government Coordination with regard to the formulation of various policies required under the Constitution and Statutes that the Ministry administers. Reminders were sent to State organs and departments under their ambit of the necessity to submit quarterly reports on status of implementation of the Constitution.

(6) Development and Piloting of a Change Management Framework

The Constitution of Kenya 2010 is a transformational document whose implementation demands a fundamental and sustainable change in governance. There is need to transform public service: systems, structures, service delivery mechanisms, human resource management and performance management frameworks. Lessons learnt three years after the promulgation of the Constitution and from Kenya's own reform journey and international best practice indicate that key to the realization of the desired change is the Public Service mind-set, i.e., the attitudes, beliefs and culture as well as underlying institutional structures for Public Service delivery.

As such, the Commission is working with state actors to realise the letter and spirit of the Constitution in line with provisions of Article 249 (1) of the Constitution specifically: "(b) securing the observance by all State organs of democratic values and principles; and (c) promoting constitutionalism. During this reporting period, achievements in this regard were centred on the development and piloting of a change management framework. This framework provides a structured and systematic approach to transforming individuals, groups of people and institutions with the aim of entrenching a culture of constitutionalism within the institution and in service delivery.

The framework identifies the following key steps:

- (i) Appreciation of the Constitution of Kenya as a change driver for the state organ
- (ii) Defining the desired state.
- (iii) Environmental and internal scanning to enhance appreciation of the context for change
- (iv) Development of an action plan that concretely and logically identifies a sequence of activities and responsible actors to act as an implementation road map
- (v) Managing the transition – working with change champions
- (vi) Proactively addressing risk

Against this background, change management activities undertaken during this period centred on support to three state agencies (discussed below) to initiate and/or enhance their change management initiatives as part of a demand driven pilot programme, which is envisioned to be scaled up. Highlighted below are the specific programmes conducted:

(a) Change Management Leadership Orientation for the Board of Directors of Retirement Benefits Authority.

CIC facilitated a leadership orientation session with the board of directors aimed at securing ownership and buy-in for the change management process following a constitutional compliance audit undertaken by the Authority. During the leadership orientation session the commission facilitated the board members to:

- Enrich their understanding and application of the Constitution of Kenya to ensure that the letter and the spirit of the Constitution is respected.
- Identify key issues concerning the retirement benefit subsector and RBA to be included in the change management strategy

- Map the way forward for the development and implementation of a comprehensive change management strategy for constitutional compliance.

At the end of the orientation session, it was agreed that the Commission would assist the governance structure established to spearhead the development of a change management strategy. The initial request was the cascading of the sensitisation session to staff members and support to the Authority to develop change champions.

(b) University of Nairobi – Rapid Results Initiative (RRI) on Implementation of the Constitution and Integrity:

The Commission supported the University of Nairobi to launch and roll out a Rapid Results Initiative (RRI) on the implementation of the Constitution and Integrity. The Rapid Results Approach is a results-based management methodology whose 100-day initiatives are used to jump start major organisational change. Utilisation of the RRI serves both as a diagnostic and implementation tool, identifying as well as addressing the change issues in an organisation. The University RRI sought to increase the level of awareness of the Constitution across the University of Nairobi. The sensitization of all members of the University, ranging from Senate and University Council to the entire student fraternity covered the provisions of the Constitution of Kenya 2010 and their role in the realization of its letter and spirit. By September 2013, the University Senate, University Council, University Management Board, University Administration Staff, University Alumni Association members, University Pension Scheme staff and members, and the University Student Leadership (SONU) had been sensitized on the Constitution. Information on the Constitution and the role of institutions of higher learning in the implementation of the Constitution was disseminated through various media channels including TV, radio and print.

(c) Application of APRM Governance Tools for Improvement of Governance in Kenya:

The Commission embarked on supporting the Ministry of Devolution and Planning through the NEPAD/APRM Kenya Secretariat to develop a broad based governance programme to facilitate change management. This programme is anchored on two pillars, implementation of the Constitution and the realisation of Kenya's development blue print, the Kenya Vision 2030. Utilising four internationally recognised governance barometers, the Commission is supporting the Secretariat to identify from a Constitution implementation perspective, findings and recommendations that can inform the national governance reform agenda.

Specific contributions by CIC were:

- Enhancing appreciation of methodology, findings and recommendations of the selected governance indices;
- An initial review of emerging continental and Kenya best practices to identify specific issues to reshape Kenya's governance reform agenda for, among other things, implementation of the Constitution; and
- Identification of any emerging gaps.

It is envisioned that the Commission's, continued support to this initiative will contribute towards the deepening of democratic practices as the Government reflects on the progress realized, international and continental best practices identified as well as deficiencies noted in governance and socio-economic development.

PART THREE

STATUS OF ESTABLISHING CONSTITUTIONAL COMMISSIONS

Chapter 15 of the Constitution establishes ten independent commissions¹ and two independent offices; the Auditor-General and the Controller of Budget. The Human Rights and Equality Commission was restructured into three commissions, namely: the National Gender and Equality Commission, the National Commission on Administrative Justice and the Kenya National Commission on Human Rights. Article 79 of the Constitution also establishes Ethics and Anti-Corruption Commission with status and powers of a commission under Chapter 15.

The Sixth Schedule to the Constitution establishes the Commission for Implementation of the Constitution with specific mandates, and to which Articles 248 to 254 of the Constitution apply. Section 4(c) of the CIC Act requires the Commission to work with each constitutional Commission to ensure that the letter and the spirit of the Constitution is respected.

It is on the basis of the above provisions, and generally its mandate that CIC works with all the constitutional commissions and independent offices in monitoring, overseeing and facilitating the implementation of the Constitution, including the process of establishing these commissions.

This section highlights the status of establishment and discusses the engagements CIC had with constitutional commissions and two independent offices during the reporting period, highlighting achievements and challenges facing the commissions.

All the commissions and independent offices envisaged in the Constitution have been established according to the law and are operational except the Kenya National Commission on Human Rights and Teachers Service Commission.

As stated in previous quarterly reports, members to serve in the Kenya National Commission on Human Rights and Teachers Service Commission are yet to be appointed. In the case of the Teachers Service Commission, following the rejection of some presidential nominees to in January 2013, the President submitted another list of nominees to the National Assembly for approval in September 2013. The names included some of those who were rejected by the national assembly.

In regards to the Kenya National Commission on Human Rights, the court issued judgement in the case on ethnic representation to the Commission. The National Executive should now expedite the process of appointment of members to the Commission.

3.1 Annual Conference For Constitutional Commissions and Independent Offices

The forum of chairpersons of constitutional commissions and independent offices convened the second annual conference for constitutional commissions and independent offices, whose theme was '*Devolution and Good Governance: The Role of Constitutional Commissions*'. The main objectives of the conference were to: -

1. Examine and analyze the extent to which the Constitutional Commissions have played their oversight role;
2. Create a platform for information sharing and benchmarking on the operations of Constitutional and Statutory oversight institutions;
3. Provide an opportunity for introspect and reconfiguration of the role and place of Constitutional and Statutory oversight institutions in Kenya's governance structure and process and enhancing collaboration; and
4. Networking among Constitutional and Statutory oversight institutions and with other State Organs

¹The Kenya National Human Rights and Equity Commission, The National Land Commission, The Independent Electoral and Boundaries Commission, The Parliamentary Service Commission, The Judicial Service Commission, The Commission on Revenue Allocation, The Public Service Commission, The Salaries and Remuneration Commission, The Teachers Service Commission, and The National Police Service Commission.

The secretariat and the technical teams of the Constitutional Commissions and Independent Offices agreed to work together. As a result of this, the CEOs/Secretaries held their first meeting in September 2013 and adopted Terms of Reference to be used in the coordination of Secretariats' activities.

The leadership arm of the Chairperson's forum is rotational. Elections were held during the conference and Mr. Charles Nyachae, the CIC chairperson, was elected the chairperson of the Forum.

The meeting observed that: -

- (a) There was need for structured engagement with county governments and coordinated visits to the counties to facilitate, monitor and oversee the implementation of the System of Devolved Government.
- (b) The commissions and independent officers should set up standards, systems and structures for transparency and accountability to be emulated by other institutions and ensure that these institutions remain relevant to the aspirations of Kenyans.

It was also noted that while the implementation of the Constitution was on course, there were a number of challenges faced by commissions and independent offices. These included:-

- (a) Independence of the Commissions: Undermining of some of the commissions and independent offices by other arms of the government. For instance the delay in establishment of National Land Commission (NLC) and allocation of inadequate funds to commissions and independent offices thus making it hard for the institutions to operate.
- (b) Untimely transfer of functions: The political pressure to transfer all functions to County Governments without regard to the county preparedness in taking up of the functions. It was noted that the letter and spirit of the constitution in relation to transfer of functions must be the guiding principle.

3.2 Mechanisms of Working with Constitutional Commissions and Independent Offices to Promote Constitutionalism

One of the mandates of CIC is to work with each constitutional commission to ensure that the letter and spirit of this Constitution is respected. In this regard, CIC convened two meetings for Constitutional Commissions and Independent Offices. The first meeting, (2nd July 2013) discussed and adopted CIC's Concept Paper on working with constitutional commissions and independent offices, and the second one (8th August 2013) focused on developing work-plans, terms of reference and working modalities towards the realization of the concept note. The main objective of the joint initiative is to increase institutional compliance amongst state actors, citizens and non-state actors with a focus on public participation.

The meeting agreed that there was need to enhance appreciation of the respective mandates as well as opportunities for working together by convening joint forums for Chairperson's, Commissioners and Secretariat and collaborating in activities by: -

- (a) Prioritizing and fast tracking the development of any policies, legislation, administrative procedures and institutional frameworks identified jointly;
- (b) Monitoring legislation process through an online tracker;
- (c) Developing joint publications as appropriate;
- (d) County engagement;
- (e) Benchmarking; and
- (f) Civic education.

It was also agreed that CIC should convene a technical committee meeting to harness existing structures and also establish additional appropriate ones with the aim of:

- (a) Developing a shared strategic focus;
- (b) Deepening the levels of engagement between the Commissioners and Secretariat to consider setting up other relevant standing committees;
- (c) Defining performance accountability issues; and furthering joint stakeholder engagement.

PART FOUR

IMPLEMENTATION OF THE SYSTEM OF DEVOLVED GOVERNMENT

The Constitution, under section 15(2) (d) of Sixth Schedule, mandates CIC to monitor the implementation of the system of devolved government, including monitoring the operationalization of the constitutional provisions on devolved government as provided for in Chapter Eleven of the Constitution. This also includes the review and development of policies, legislation and administrative procedures required to implement the system of devolved government. In pursuit of this mandate, the Commission has embarked on establishing a mechanism to keep track and report on progress and challenges in the implementation of the system of devolved government.

During the reporting period, CIC undertook several activities to ensure that the implementation of the system of devolved government was on track and complying with the letter and spirit of the Constitution. These involved review of devolution policies, operationalization of the legislation and administrative procedures.

The Transition to Devolved Government Act, 2012 identifies two phases of transition with specific activities; phase one covering up to March 4th general elections, and phase two starting after the general election. The Fourth Schedule to the Constitution distributes functions between the national and county governments. The Commission uses the 4th Schedule and other relevant provisions of the Constitution as a foundation for monitoring progress made in transition to the system of devolved government.

4.1 Review and Development of Policies

The Sessional paper on the system of devolved government, developed in 2011 is an overarching policy document that seeks to outline the policy framework for devolution in Kenya. The Sessional paper proposes mechanism for the implementation of the system of devolved government as provided for in the Constitution of Kenya, 2010. Following the substantive progress so far made in transition, the Ministry of Devolution and Planning has initiated the review of the paper. The proposed review focuses on developing a policy document that critically takes into cognisance the prevailing environment and provide guidance towards effective implementation of a system of devolved government.

CIC participated in a technical retreat organized by the Ministry of Devolution and planning that reviewed the sessional paper. It was agreed at the meeting that the development of the devolution policy will be subjected to national values and principles as envisaged Article 10 of the Constitution.

4.2 Review and Development of Legislation at the National Government

Development of devolution related legislation during this reporting period, aimed at effecting amendments to the devolution laws of parliament, including the County Government (Amendment) (No.2) Bill, and the Constituency Development Fund Act, 2012. CIC closely followed the actions on the various Amendments Bills and issued advisories as detailed in Annex 2, and shared with the Senate other proposed amendments on devolution Acts (Annex 3), aimed at enabling the effective operationalization of devolution Acts.

The Commission expressed concern over the procedure used in the amendments and enactment of devolution related legislation thus violating Article 261(4) of the Constitution. The article requires that the Attorney General should, in consultation with CIC, prepare Bills for tabling in Parliament. Additionally, Section 14(1) and (2) of the Sixth Schedule to the Constitution requires that any Bill relating to devolved government be enacted only after CIC and the Commission on Revenue Allocation are consulted, and given at least thirty days to consider such legislation and any recommendations of the two Commissions are considered by Parliament.

Article 185 of the Constitution provides for the legislative authority of County Assemblies. County assemblies are expected to make laws that are necessary for or incidental to, the effective performance of the functions and exercise of the powers of the county government under the Fourth Schedule. Subsequently with the transfer of functions to county governments, the assemblies have commenced the process of enacting necessary laws.

During the reporting period, 34 County Assemblies submitted reports to CIC indicating that they had passed some laws and/or had Bills being processed. A total of 59 Bills from the 34 County Assemblies were reported as processed with 32% of them being gazetted. Appropriation Bills and Supplementary Appropriation Bills formed 74% of the total Bills. Only a few counties worked on other Bills. Section 4.7 further discusses the findings in the report.

4.3 Functional Analysis and Development of Transition Implementation Plans

(i) Unbundling, Costing and Transfer of Functions

The Constitution provides for phased and asymmetrical transfer of devolved functions. Prior to this, a functional analysis, which is the responsibility of the Transition Authority as stipulated in section 7 of the Transition to Devolved Government Act, 2012, needed to be carried out. The Fourth schedule to the Constitution assigns functions to the national and county governments. The functions are either exclusive to a level of government, concurrent between the two levels of government or residual functions whose responsibility to deliver is with the national government. The functions under the Fourth Schedule to the Constitution are broadly provided for and hence the need for careful analysis to clarify which level of government has specific service delivery responsibilities.

During the reporting period, TA reported that it had developed a framework to carry out a functional analysis in which they worked with MDAs to unbundle the functions. This process is reported to be on-going. In August 2013, TA issued a legal notice No. 137, which required counties to apply for transfer of functions and engaged a consultant to undertake costing of functions. During the reporting period, a number of functions were devolved to the county government among them delivery of health services. However, the Kenya Medical Practitioners Pharmacists and Dentist Union, the Kenya National Union of Nurses and the Kenya Health Professional Society moved to court to prohibit TA from enforcing the legal notice on the ground that the legal notice was published without following the Constitution, the Transition to Devolved Government Act, and the County Governments Act. This matter is still in court.

(ii) Assets and Liabilities

The Transition to Devolved Government Act, 2012 mandates TA to prepare and validate an inventory of all existing assets and liabilities of government, other public entities and local authorities for determination and recommendation on the sharing of assets between the national and county governments. Pursuant to legal notice No. 45 of 2013 an inter-agency technical committee on transfer of assets and liabilities was created. TA's report on transfer of assets and liabilities indicated that an inventory of government net assets and liabilities for 192 MDAs was prepared while data in 227 MDAs had not been collected. In addition, TA procured and installed an asset management information system. However, the process of validating the inventory is yet to be completed.

(iii) Transition Implementation Plans

The Transition to Devolved Government Act, 2012 (section 16) require TA to issue guidelines to state organs or public entities for the preparation of transition implementation plans. Using these guidelines, cabinet secretaries or authorised officers and county governments were to prepare and submit to TA and CIC the transition plans and CIC would monitor their implementation.

Reports submitted by County Governments to CIC during the reporting period indicate that a total of 10 different types of plans were prepared. These plans included:

- (a) County government transition implementation plan,
- (b) Urban areas and cities plans,
- (c) County development plans,
- (d) County sectoral plans, and
- (e) Spatial plans.

The approval of these plans was reported as work-in-progress with only one county having approved the County Governments Transition Implementation Plan. Majority of the counties (over 82%) operated without specific approved plans and a significant number were yet to commence processes of developing the plans. The detailed report is found in CIC website (www.cickenya.org)

4.4 Consultations on the Implementation of Devolution

(i) Implementation of the Right to Health

The Commission has been working with the Ministry of Health on the implementation of the right to health under the devolved structure of government. This is the sector the Commission has extensively engaged with. The Commission discussed with the Ministry of Health a tool aimed at providing a step-by-step practical guide in analysing, unbundling and costing economic and social rights as provided for in Article 43 of the Constitution, and in other relevant legislation and international instruments which assign responsibility for their implementation and monitoring. It is expected that the tool will facilitate effective devolution of these rights and stimulate planning for their progressive realization as provided in Article 21(2) of the Constitution.

The tool include the process of functional analysis, unbundling and costing as follows:

1. Step 1: Functional Analysis based on the functional assignment in the 4th Schedule of the Constitution.
2. Step 2: Standards for Service Delivery that identify the minimum standards for service delivery in respect of the function.
3. Step 3: Costing of functions to assign costs to each of the activities identified.
4. Step 4: Policies, Legislation and Administrative Procedures for actualizing the functions at national, county and intergovernmental level.

The tool provides a guide to be used in a participatory and consultative manner with all relevant stakeholders including non-state actors. The tool was approved for use and will be disseminated to other Ministries with devolved functions for replication.

(ii) Forum on Devolution - Prospects for the Kenya's Health Sector

During the reporting period, the Commission was invited by the Development Initiative to a round table meeting on the prospects for the health sector under the system of devolved government. The meeting brought together participants from both governmental and non-governmental institutions working within the health sector, constitutional bodies and research institutions. The key highlights from the meeting were:

- (a) *Challenges* relating to transfer of functions. It was anticipated that Health being a function to the county governments, the same was to be transferred based on preparedness of the county governments. However, TA noted, the lack of adequate capacity in terms of staff and facilities in various Counties to handle this devolved function. The lack of structures for remitting personal emoluments was also of great concern especially to workers in health sector.
- (b) CIC noted that Devolution, in particular the health function that is a devolved function under the 4th Schedule, should be implemented in accordance to the Constitution. The standards provided for in Article 43(1) of the Constitution, should be read together with the international conventions and treaties that Kenya has ratified. These include Article 25 of the Universal Declaration of Human Rights.
- (c) One of the major concerns raised included the monitoring of funds allocated for health care as a devolved function. The Abuja Convention on Health, 2001 states that 12% of the national budget should be allocated to health. Kenya is a signatory to this convention, however only 2% of the national budget is allocated to health. The concern was raised on how the Government or other stakeholders will ensure that at least 12% of the county budgets are allocated to health.
- (d) The meeting also agreed that nutrition should be addressed and prioritized by the Government.
- (e) Further, due to lack of capacity by county governments and other challenges, and health being an important function, which cannot be disrupted, it was recommended that the health function should remain under the national government until the counties have the capacity to fully handle the health function.

(iii) Consultative Meeting with the Departmental Committee on Health

CIC, the National Assembly Departmental Committee on Health and representatives from Ministry of Devolution and Planning, the Transition Authority, the Kenya National Union of Nurses and the Union of Doctors, Kenya Medical Practitioners, Pharmacists and Dentists Union held a consultative meeting to discuss challenges facing health workers in the new constitutional dispensation. The following were agreed upon:

- (a) *Transfer of Health workers salaries* - Funds for Personal Emoluments were to be retained at the National Government to facilitate payment of salaries for 6 months or until the county governments had capacity to deal with payroll issues.
- (b) *Health Service Commission* - The Ministry of Health had prepared an amendment to the Constitution to provide for the inclusion of the Health Service Commission as a constitutional commission. However the Departmental Committee on Health highlighted the difficulty in amending the Constitution and proposed that such a Commission be established as a statutory body.

Although the Ministry noted the advice of CIC that the establishment of the Health Service Commission is contentious and not compliant with the Constitution, it still recommended that the Departmental Committee on Health consider amending the Constitution through the Constitutional Amendment Bill 2013 to include the establishment of the Health Service Commission for the following reasons:

- (a) Healthcare is an essential service whose disruption leads to fatalities including death of patients.
- (b) The attempt to lump all services as one, under the Public Service did not distinguish the distinct and essential nature of health services and had resulted in the delay in expediting matters relating to health service delivery.
- (c) There was need for standardization, regulation of the quality of services delivered in the health sector to prevent inequalities in service delivery across the country.
- (d) The Commission was to ensure standardization in the training and skills development of healthcare workers across the country.
- (c) *Involvement of Health Workers in Devolution Process* - The Union officials observed that there was inadequate information and clarity on functions being devolved and the determination of the components to be devolved. The union officials noted that they are the implementers and hence need to be involved in the determination of these and related matters.
- (d) *Recruitment of 12,000 maternity nurses and 30 nurses per county* - The Ministry of Health advised that the Treasury had devolved 3.5 billion to counties for recruitment of personnel. The Ministry recommended the reversal of funds from the counties to allow for recruitment. It was reported that consultations on this matter are on-going with the Treasury, Council of Governors and the Transition Authority. It was agreed that there was need to balance the wage bill against the right to the highest attainable standard of health, the latter of which requires adequate personnel.
- (e) *Abolition of Contractual Employment* - The Ministry was advised by Treasury against contract variation for existing contracts to prevent budget deficits. The union leaders noted the need to ensure that all nurses are engaged on permanent and pensionable terms since the nurses on contract earn less than their peers and their terms are not equal. They also noted the need for clarity on the transition of health workers from the Public Service Commission to the County Public Service Board.

(iv) Health Sector Intergovernmental Consultative Meeting

The Ministry of Health facilitated a health sector intergovernmental consultative meeting that brought together CIC and the County Executive Committees responsible for Health matters. The meeting was a follow up to a previous one that brought together stakeholders from different sectors and in which sector specific intergovernmental consultative forums were constituted. The following were agreed on:

- (a) County Executive Committee members were to facilitate the review of the Health Policy and the Health Bill and forward their comments to the Commission by 20th October 2013.
- (b) The Ministry of Health was to compile and share with County Executive Committee members, policies, laws and guidelines within the health sector to facilitate the counties to adopt their own policies and laws. Further, the Ministry was to develop an annual calendar for trainings and workshops by 20th October 2013.
- (c) As part of intergovernmental communication protocols, the Cabinet Secretary was to communicate directly to the County Executive Committee members while the Principal Secretary was to communicate directly to the Chief Officers.
- (d) Human Resource Management

- (i) The Ministry of Health was to stop the on-going inter-county staff transfers and the counties were to assess key needs i.e., doctors and dentists and advise the national government to facilitate transfer and rationalization.
 - (ii) The human resource committee (constituted at the meeting) to address outstanding issues that included assessment of staff to determine transfer requirements/staff needs
 - (iii) Counties would conduct a training needs assessment
- (e) On health financing, it was agreed that the National Government discloses to the counties development funds earmarked for them. Further, the Health Financing Committee, constituted at the meeting, was to explore feasible mechanisms for future donor support, management and governance arrangements for user fees and free maternity services based on the existing legal frameworks.
- (f) The Ministry was to develop guidelines and a committee was to be established to address:
- (i) Criteria for classification and additional financing of cross-county service
 - (ii) Plan to support cross county services particularly human resource and essential commodities; infrastructure
 - (iii) Analyse inter-county referrals
- (g) Counties were to be included in the review of the Kenya Medical Supplies Agency Act, 2013. A procurement committee was constituted to discuss essential medicines list and guidelines and disclose the list of equipment and beneficiaries to counties.
- (h) An annual Health Congress was to be held in the last week of October 2013.
- (i) On functional assignment as per the Fourth Schedule and county involvement in unbundling process, it was agreed that the consultative forum facilitates and coordinates transfer and delegation of functions.
- (j) The National Government was to provide guidance on dealing with disaster management and epidemics and clarity on related roles for the different levels.
- (v) Consultation with Senators and Governors**

In an effort to facilitate effective implementation of devolution, CIC organized a consultative workshop with the Senators and Governors in July 2013. The forum deliberated on issues touching on the implementation of the system of devolved government and agreed on several quick action points to be implemented by the Senate. These include:

- (a) Development of a framework to guide the implementation of the Senate's mandate under Article 96 of the Constitution.
 - (b) Clarification of the Senate's mandate on representation of Counties and protection of the interests of County governments (Article 96).
 - (c) Development of the Senate Bill to expound on the Senate's mandate and harmonize the Senate's standing orders to make the House operate effectively. The Bill should stress the oversight role of the Senate especially over the National and the County Assemblies. The Senate to agree on the timelines for the development of the Bill.
 - (d) Active engagement and leveraging on opportunities provided by the Constitution through development of formal and informal working modalities with the National Assembly, the National Executive, the County Executive and the County Assembly.
 - (e) Development of a strategic plan to gauge the Senate's progress (timelines, outputs, milestones) and strengthen its oversight role in the Parliamentary Budget Office;
 - (f) Development of mechanisms as provided in the various relevant Acts to allow the Senate to participate in critical operations affecting County governments. These could include intra-house committees to interact with Bills and assess their effects on the County governments as well as nominating members in the relevant Commissions that require its representation.
- (vi) Civic Education Forum**

The Commission participated in a forum organized by the Transition Authority whose mandate among others is to facilitate civic education on devolution. The objective of the forum was to agree on an effective coordination mechanism for civic education on devolution; identify critical topics for civic education messaging. In addition the forum was to develop strategies and resources for delivery of civic education messages and a framework for general monitoring and evaluation. The following was agreed as a way forward:

- (a) A comprehensive stakeholder mapping be undertaken to bring on board county governance leadership.
- (b) Devolution thematic group coordination mechanism to be established.
- (c) Facilitate the formation of the County Civic Education units/frameworks.
- (d) An integrated Civic Education Monitoring and Evaluation framework to be developed.
- (e) Relevant public participation/civic education policy and legal frameworks to be enacted.
- (f) Develop and finalize a civic education program budget.
- (g) Engagement with the Medium Term Expenditure Framework (MTEF) process to ensure that civic education is provided for.
- (h) A national civic education sustainable funding strategy to be finalized for tabling to policy makers and development partners.

4.5 Establishment of the Intergovernmental Structures

The Intergovernmental Relations Act, (No.2) 2012 establishes the following intergovernmental relations structures;

- (a) National and county government coordinating summit – an apex body for intergovernmental relations;
- (b) Intergovernmental relations technical committee – responsible for the day to day administration of the Summit and of the Council of Governors, and take over residual functions of TA after its dissolution, among other functions;

- (c) Sectoral working groups or committees – established by the Intergovernmental Relations Technical Committee for better carrying out of its functions;
- (d) Intergovernmental relations secretariat - for the day to day administration of the technical committee;
- (e) Council of governors – to facilitate consultations amongst counties,
- (f) Joint committees – which may be established by either the national or a county government with specific mandates of achieving the objects and principles of devolution provided in Articles 174 and 175 of the Constitution.

During the reporting period, only the National and County Government Coordinating Summit and Council of Governors had been established.

4.6. Intergovernmental Consultative Forum

Section 13(2) of the Intergovernmental Relations Act enables the Cabinet Secretary responsible for intergovernmental relations to convene consultative fora on sectoral issues of common interest to the national and county governments. On this basis, the Ministry of Devolution and Planning convened meetings to deliberate on the modalities for the establishment of inter-sectoral consultative forum to increase consultations and working relationships between the national government and the county governments. The Purpose of the meeting was to;

1. Provide a platform for dialogue and engagement of critical stakeholders in the sector;
2. Act as a liaison between the national government and county departments;
3. To coordinate the attainment of policy goals and standards in the sector

Among the main resolutions of meeting were;

- (a) Have the membership to the forum consist of the cabinet secretary for the convening ministry who will be the chairperson, a vice-chairperson who will be elected among the county executive committee members on rotational basis, and the 47 county executive committee members for the sector.
- (b) Functions of the inter-sectoral forum to include among others
 - Coordinating and harmonizing development of norms, policies, laws and priorities
 - Evaluate the performance of the sector in realizing goals, and recommend appropriate action
 - Monitoring the implementation of national and county plans
 - Receive and review progress reports from national and county levels
 - Produce annual reports on matters pertaining to the sector
 - Promotion of governance and partnership principles across the sector
 - Implement and follow-up actions and recommendations from the national and the county government coordinating summit
 - Reporting, where the forum shall submit reports on sector to technical committee of the Summit, the Ministry of Devolution and Planning, the Council of Governors, CIC, Commission on Revenue Allocation (CRA) and the TA
- (c) A total of 7 Sectors were identified to include; 1. Health, 2. Agriculture, livestock and fisheries, 3. Energy and petroleum, 4. Lands, housing and urban development, 5. Environment, water and natural resources, 6. Trade and industrialization, 7. Transport and infrastructure.
- (d) The different sectors identified the Status of the transfer of the functions to county governments, policy gaps and statutory change requirements and various capacity building and technical assistance needs and made recommendations on how to meet the needs.
- (e) It was also resolved that Sectoral meetings start in the month of September with the Ministry of Devolution and Planning being responsible for coordination of the fora and facilitating implementation of decisions from the fora at the different levels.

CIC notes with concern the delayed establishment of the Intergovernmental Relations Technical Committee, which has hindered effective functioning of the Summit and recommends immediate actions to establish the same.

4.7 Establishment of Structures and Systems of County Governments

Compliance with the letter and the spirit of the Constitution of Kenya requires county governments to develop institutional structures and systems necessary for the effective implementation of the constitution. Some of the structures envisaged include the county assemblies, county executives, county public service boards and county executive committees. Analysis of the county assembly reports on the establishment of these structures indicate various levels of achievements as outlined below.

(a) County Assemblies

Most of the County Assemblies fulfilled the requirement on membership stipulated in the law, with the two-thirds gender rule being met by all Assemblies. Overall representations in 16 county assemblies showed a composition of 66% male and 34% female. Other groups represented in the elective posts include the marginalized, and the youths forming 9% and 26% of the total county assembly membership respectively.

However, though the constitutional edict to fill the gender quota through nominations has been honoured, there is need for each County Assembly, and each County Government, to consider how to ensure that the gender quota is met through elections so that the nominations and consequent large numbers of the Assemblies do not prejudice the provisions of Article 201 of the Constitution on principles of public finance, particularly prudent and responsible use of resources. Extensive use of the County revenue to pay emoluments to large numbers in the Assemblies naturally reduces the County's revenues that would otherwise be available for development programmes.

(b) Legislation;

Most of the county Assemblies debated and passed a number of Bills during the reporting period in line with the legislative role. A total of 59 Bills were processed during the reporting period from 34 county assemblies, with 94% being Appropriation Bills. There are however concerns about the

constitutionality of some of those Bills including those dealing with tax waivers and the creation and management of Ward Development Funds. Such Bills violate the provisions of the Constitution and the Public Finance Management Act, 2012, and contradict the principle of separation of powers.

Though majority of the counties legislated the appropriation and supplementary appropriation Bills, the Counties did not fulfil the necessary pre-requisites for passing of budgets and Appropriation Bills. The pre-requisites include the County Fiscal Strategy Paper, County integrated plans and other relevant plans stipulated in the PFM Act and the County Government Act. This may indicate that some of the mandatory steps in the budgeting process, including the participation of the people [as required by Sections 107 of County Government Act and 125 of the PFM Act and Article 220 of Constitution] were not fully adhered to.

Only 3 counties established the cap during the reporting period as required by law. Counties should urgently address the issue to ensure full compliance with the Constitution.

(c) Approvals:

Article 185 gives County Assemblies the power to approve certain policies and plans, such as policies for (a) management and exploitation of a county's natural resources and (b) the development and management of its infrastructure and institutions. During reporting period there were minimal approvals of the county policies with a majority of the counties concentrated on legislation.

Some county assemblies started processing a number of county plans. Some of the plans started include County Government Transition Implementation Plans, Urban Areas And Cities Plans, County Development Plans, County Sectoral Plans, and Spatial Plans. The approval of plans was reported as work-in-progress with only one county having approved the county Governments Transition Implementation Plan.

(d) Approval of Decentralized Units:

Counties are authorised to devolve further (Article 176 of CoK2010) as may be considered appropriate by the respective governments with some of the devolved administrative units being the sub-counties, ward and villages. As per the County Government Act, the decentralized units have to be approved by a county assembly. Two out of 34 counties reported to have approved the urban areas and cities units. Most of the approvals of the decentralized units, initiated by the counties, were reported as still work-in-progress with 8 counties reporting sub counties, wards (9 counties), and village units (7 counties). Over 74% of the counties were yet to initiate processes leading to approval of decentralized units.

(e) County Executive Committees and County Officers

County governments are given the powers to establish county offices necessary for the delivery of services (Article 235 of the Constitution) and approve the nomination of officers to public offices. A number of county assemblies approved various nominees to the different public offices between April and June 2013. Five counties reported having approved the nomination of the county assembly clerk, 2 counties had approved the nominees for the county chief office.

Articles 179 and 183 of the Constitution require the county governments to establish county executive committees (CEC) to supervise the administration and delivery of services in the county and all decentralized units and agencies in the county among others. During the reporting period majority of the county assemblies, (26 out of 34), had approved county executive committee nominations and most of them had already started performing their different roles. Only twelve counties had approved the nominees of county assembly into county assembly service boards, six counties approved the county secretary and one county approved nominees into county public office.

(f) County Public Service Boards

County assemblies are required to establish County Public Service Boards (CPSB). Majority of the counties had established structures for appointment of other public officers into county offices. Most counties, 22 out of 34 counties approved the chairperson and the membership to the CPSB. While most of the county assemblies had approved the CPSBs, a number were yet to assume active roles. There is need for the county governments to ensure that;

- The CPSB are fully operational as soon as is practicable;
- The requisite regulations and frameworks for managing the human resource in counties are developed;

(g) Urban Areas and Cities

Article 184 of the Constitution requires establishment of criteria to classify urban areas and cities, their governance and management that provides for participation by residents in their governance of urban areas and cities. These principles are provided for in the Urban Areas and Cities Act, 2011. This classification has not been done. However, TA in its August 2013 report indicated that a taskforce had been set up which recommended a change in the criteria prescribed for classification of urban areas and cities. Following the recommendation, the Attorney General included the recommendations in the statute law (Miscellaneous Amendments) Bill 2013, to make minor amendments to the Urban Areas and Cities Act, 2011.

4.7 Challenges to Devolution

The transition to the system of devolved government, took effect after the General election held on March 4th, 2013. A number of successes and challenges have been noted since then

- (1) **Delayed Establishment of Intergovernmental Relations Structures:** Delayed establishment of other structures, for example the Intergovernmental Relation Technical Committee has hindered effective functioning of the Summit
- (2) **Review, Development and Publication of Devolution Related Legislation Outside the Law:** Section 14(2) of the Sixth Schedule to the Constitution requires that any Bill relating to the system of devolved government may be enacted only after CIC and the Commission on Revenue Allocation are consulted, and given thirty days to consider such legislation and any recommendations by the two Commissions are considered by Parliament. Despite this, Bills such as the County Governments (Amendment) (No.2) Bill did not follow the procedure set out in Article 261 and Section 14(2) of the Sixth Schedule to the Constitution.
- (3) **Delayed Functional Analysis, Unbundling of Functions and Costing:** As noted in this section, this function is the responsibility of Transition Authority. The delays and undue political pressure have affected the transfer of functions to county governments. Further delays will affect Transition Implementation Plans and Integrated Plans required of the County Governments.
- (4) **Lack of Political Will to Implement Devolution**—The implementation of the devolved system of government has been adversely affected by among other things the delays in carrying out functional analysis. According to reports by the Transitional Authority, the institution charged with facilitating the analysis of functions, this delay was caused by failure and/or reluctance by some government ministries to provide the necessary information that would facilitate functional analysis and costing of the functions. Secondly, a number of MDAs also

failed to provide Transitional Implementation Plans that would help speed up the transfer of functions to the county governments. Finally, political pressure has also been made to bear on transitional authority by the summit to transfer functions to county governments without necessarily following the law.

- (5) **Delay in the Release of the PFM Act Regulations:** This has prejudiced the full and effective implementation of the PFM Act. This problem is especially critical in the Counties as existing regulations saved by the Act cannot apply in the Counties new circumstances
- (6) **Dearth of Capacity in Public Finance in the Country:** This affects the Counties most severely. Even where personnel exist, there is need for intensive training to bring the personnel in line with the new dictates of public finance.
- (7) **Unreliable Internet Connectivity in Many Counties:** This has made it difficult to apply the Integrated Finance Management System in the counties. The use of manual systems has the potential to lead to loss of public monies. It is essential that all Counties have working systems as soon as possible.
- (8) **Monthly Release of Funds to Counties:** The release of revenue due to the Counties on a monthly basis as opposed to quarterly tranches needs review as it is already prejudicing some Counties ability to plan and effect service delivery seamlessly.
- (9) **Delays in Passing County Budgets:** Delays by some Counties in preparing and passing their revised budgets by 30th September may mean delays in accessing the funds due to them. Some Counties have also not passed their Revenue Acts. This will compromise their revenue collection.
- (10) **Adjournment of Sittings:** Citing salary issues, county assemblies adjourned their sittings at will affecting their performance on legislative authority and oversight role as indicated in article 185 of constitution.
- (11) **Gap in the Constitution on Temporary Filling of Governors Position in Case of a Successful Petition:** It is not quite clear from the Constitution, who takes over from the governor when his/her election is nullified following a petition, as was witnessed in Siaya County. The law does not specify the process to be used for the speaker to assume office. This therefore calls for development of legislation framework to address the gap.

PART FIVE

PROMOTING CONSTITUTIONALISM AND PROTECTING THE SOVEREIGNTY OF THE PEOPLE

In recognition of the sovereign power of the people of Kenya as enshrined in Article 1, the fundamental right to information under Article 35 and the National Values and Principles of Governance set out in Article 10 of the Constitution, the Commission is committed to keeping the people of Kenya informed on the status of the implementation of the Constitution and other matters that touch on constitutionalism. The media remains a critical partner in ensuring that this is achieved either through informed editorial content and reporting or information and education broadcast through the electronic and print media. The Commission has embraced use of various social media platforms to reach out the general public.

This chapter discusses media statements and public advisories issued by CIC, and stakeholder engagements during the reporting period.

5.1 Media Statements and Public Advisories

(1) Advisory on Proposals to Amend the Constitution of Kenya 2010

The Commission received two proposals for the Amendment of the Constitution 2010. One proposal was for the amendment of Articles 89, 90, 97, 98, 136 and 180 of the Constitution while the second proposal was for the amendment of Article 204 of the Constitution. CIC reviewed the two proposals and on 15th July 2013, sent an advisory of the proposed amendments to the Departmental Committee of Justice and Constitutional Affairs of the National Assembly, to be considered during the pre-publication scrutiny of the Bills.

(2) Advisory on the Constitution of Kenya (Amendment) Bill, 2013

The Constitution of Kenya (Amendment) Bill, 2013, published on 12th July 2013, seeks to amend Article 260 of the Constitution, by deleting the offices of Members of Parliament, Judges & Magistrates and Members of County Assemblies from the list of designated State Offices. CIC issued a public advisory on the proposed amendments to the Constitution on 1st September 2013, in two newspapers with national wide circulation.

(3) Statement on the Amendment of the County Government Bill,

The County Governments (Amendment)(No.2), 2013 Bill originated from Senate and was published on 7th August 2013. It proposes to amend the County Governments Act, 2012 by inserting a new section to provide for the establishment of County Development Boards in each county. The National Assembly and County Assemblies have the oversight responsibility of scrutinizing and approving plans and budgets for the National government and County governments respectively, while the National Executives and County Executive have the responsibility of implementing projects in line with approved plans and budgetary allocations and reporting back to the legislative arms of the respective governments. In giving Senators and MPs coordination and implementation roles in County Governments, the Bill mixes these two responsibilities and muddles the separation of powers so clearly stated as one of the principles of devolution.

CIC issued a statement in the press on the proposed amendment that appeared on Sunday, 29th September 2013 national newspapers.

5.2 Stakeholder Engagements

The Commission engaged with stakeholders in the implementation of the Constitution. Stakeholders included Commissions and Independent Offices, Ministries, Departments and State Agencies, the Judiciary, the National Assembly and Non-State Actors. The engagements are in addition to consultations ordinarily undertaken in the course of developing and reviewing particular policies, legislation or regulations. The following section is a brief overview of stakeholder engagements undertaken by the Commission during the reporting period.

(1) Meeting to Discuss Concept Paper on the Inclusion of Disability Rights in Mainstream Society

CIC developed a concept paper on "the Inclusion of Disability Rights in Mainstream Society" The paper was to be used as a guide by implementers in the inclusion of disability concerns in the development of legislation and administrative procedures. This was preceded by a consultative meeting organised by the commission on 1st August 2013, at the Kenya School of Government, to seek views from stakeholders representing persons with disabilities to inform the development of the concept paper. The Concept Paper will be circulated to all stakeholders once it is validated.

(2) Meeting with the Network of Associations of Disabled People of Burundi (NADPB)

CIC held a meeting with the Network of Associations of Disabled People of Burundi on 7th August 2013 at the CIC offices. The purpose of the meeting was to share Kenya's experiences and lessons learnt in the implementation of rights of persons with disabilities. The meeting observed that

there was need to integrate rights of persons with disabilities in the society for progress to be made in the implementation of disability rights. The CIC team observed that the following progress has been achieved so far with regard to people with disabilities.

- (a) Parliament's willingness to pass legislation on disability in 2003 (Persons with Disabilities Act) even before the adoption of the UN CRPD, and development of regulations to give effect to the Persons with Disabilities Act in 2005 and 2006 by the executive.
- (b) Article 2(6) of the Constitution incorporates international law into Kenya's domestic law as long as Kenya has ratified the conventions and treaties. In addition, disability concerns are also now part of our national values and principles. As a result, Kenya is developing programs for inclusion.
- (c) The government has also been on the frontline of disability mainstreaming in employment.
- (d) Strong advocacy by civil society organizations has also contributed to the advancement of the rights of PWDs

(3) Stakeholder Engagements in Public Finance Management

In various interactions with the public, CIC noticed a gap in the understanding of critical aspects of the public finance management under the Constitution and Public Finance Management Act, 2012. In a bid to enhance the public's understanding of PFM, in March 2013, CIC, in conjunction with the International Budget Partnership developed a guide for the public titled "*50 Things Every Kenyan Needs to Know About Public Finance under the Constitution*". CIC observed a similar gap among public officers, and consequently, in collaboration with IBP, developed the second publication titled "*50 Things Every County Government Official Needs to Know About Public Finance Under the Constitution*". The second publication was released in the month of August to the 47 county executive members responsible for finance, the 47 county assembly speakers, the Ministry of Devolution and Planning, the National Treasury, the Council of County Governors and a number of civil society organizations.

(4) Senate Committee Workshop with County Executive Members Responsible for Education

The Senate's Standing Committee on Education, Information and Technology held a two-day workshop on 12th & 13th September 2013 with county executive members responsible for the education sector and other relevant stakeholders including CIC. The aim of the workshop was to develop a common understanding on county priorities, dynamics and challenges in matters concerning education and the role of information, communication and technology in the education sector within the context of the devolved government system.

(5) Forum with Governors and Senators

The Commission organized and facilitated a forum that brought together Governors and Senators to discuss devolution. The forum was held between 25th -28th July, 2013, in Kwale County. The theme of the forum was to enhance collaboration modalities for effective implementation of the system of devolved government. The objective was to identify areas and issues for collaboration between Senate and Governors, with two key deliverables:

1. Operational processes to facilitate collaboration between the Senate and county governments for effective devolution
2. Proposed priority legislation for operationalization of service delivery by the county governments.

Discussions focused on

1. The legislative Agenda for Effective Devolution
 - Role of the Senate and Counties (County Assemblies and County Executives)
2. Revenue Allocation and Budgeting Process
 - Role of Senate and county assemblies
3. Protecting the interests of counties and enhancing public participation
 - Role of the Senate and Governors
4. Linkages between Senate and County Governments (Opportunities and challenges for collaboration) for Effective Devolution

Annex 1 provides a matrix summary of action points, responsibilities and timeframe.

(6) CIC and CIOC Retreat

The Constitution Implementation Oversight Committee (CIOC) is a parliamentary committee with the responsibility of oversight in the implementation of the Constitution. CIC reports to the Committee on the progress, challenges and impediments in the implementation of the Constitution.

It was resolved that CIC and CIOC will work jointly to realize constitutionalism across government, and will foster open communication within a framework of mutual trust and respect.

(7) Launch of 2012/2013 CIC Annual Report

Section 6(c) of the Sixth Schedule to the Constitution provides for the reporting role of the Commission on the progress of the constitution implementation. Section 26 of the CIC Act, 2010 provides for the annual report to be submitted to the president, parliament, published in the Gazette and in such other manner as the Commission may determine.

On August 28th, 2013, the Commission launched its second annual report covering the period July 2012–June 2013 at a public function held in Wundanyi, Taita-Taveta County. The event, was graced by the Governor of Taita-Taveta County, and attended by the people of Taita-Taveta County, county assembly members, Members of Parliament from the county, leaders from the county, CIC commissioners and staff.

During the launch over 1000 copies of the Annual Report, 600 copies of "*50 Things Every Kenyan Needs to Know About Public Finance under the Constitution*" and 150 copies of "*50 Things Every County Government Official Needs to Know About Public Finance Under the Constitution*" publications were distributed to those in attendance. The communities demanded for a Kiswahili version of the report for easier understanding, to which the Commission promised to send once the report has been translated into Kiswahili.

5.3 Litigation

The Commission did not initiate any new cases in the period under review. However, the Commission continued to pursue other matters pending in court, which are at various stages of consideration. No judgement was delivered in a matter to which CIC was a Party to during the period. The matters pending in court include:

- High Court Petition No 400 of 2012, Isaac Aluoch Aluochier vs. The AG (An application contesting the increase of MP's salaries which according to the Petitioner is a function reserved for the Salaries and Remuneration Commission).
- High Court Petition No. 71 of 2013, TISA vs. The Attorney General and Another, (The issue of disbursement of the CDF to outgoing Members of Parliament to enable them complete various projects before the next General Elections).
- Supreme Court Ref No 2 of 2013, Supreme Court Advisory Opinion: The Speaker of the Senate and the Senate, The Attorney General & Others (The Senate is seeking an advisory opinion on whether the National Assembly faulted in amending The Division of Revenue Bill, 2013 before submitting it for assent)

CIC will report on the outcomes of these cases once concluded.

Notwithstanding the undetermined matters to which CIC is a party to, there are a number of constitutional references decided by the Courts. These include; *High Court Petition No 65 of 2010 Satrose Ayuma & 11 Others vs. The Registered Trustees of the Kenya Railway Staff Retirement Benefits Scheme, The Kenya Railways Cooperation & The AG (Muthurwa Case)*. The Commission takes the liberty to discuss a brief overview of the findings.

(1) High Court Petition No 65 of 2010: Satrose Ayuma & 11 Others vs. The Registered Trustees of the Kenya Railway Staff Retirement Benefits Scheme, The Kenya Railways Corporation & A.G & 2 Others

This case primarily canvassed the issues of illegal evictions, in the context of Article 43 of the Constitution (Economic and Social Rights), including the right to housing, sanitation, health, water as well as right to human dignity.

The Petitioners challenged notice of evictions issued against them and claimed their rights to decent housing, sanitation, health, water, education as well as their right to human dignity had been violated. The 1st Respondent claimed to be a private body thus did not owe the Petitioners any guarantee of fundamental human rights and freedoms, while the 2nd Respondent submitted that it had transferred the suit premises to the 1st Respondent therefore had no role in the Petition.

The 3rd Respondent submitted that the subject of the Petition was a landlord-tenant agreement, the Petitioners had not demonstrated a right to the suit premises and that the socio-economic rights demanded could only be realized progressively.

In issuing the Judgment on 26th of August 2013, Justice Isaac Lenaola invoked and applied the Constitutional principles and the United Nations Basic Principles and Guidelines on Development Based Displacement. Finding no wrong doing on the part of the 2nd Respondent, the learned Judge held that the 1st Respondent had violated the Petitioners' rights to accessible and adequate housing contrary to Article 43 of the Constitution.

The 3rd Respondent was directed to:

1. Consider amendments to the Water Services Act, 2002 in line with the Constitution of Kenya, 2010.
2. File an Affidavit detailing out existing or planned State policies and legal framework on forced evictions and demolitions in Kenya in line with international standards, plus,
3. An Affidavit detailing out the measures the Government has put in place towards the realization of the right to accessible and adequate housing and sanitation.

The 1st Respondent and Petitioners were directed to convene a meeting to map out an eviction programme taking into account:

- (a) That, neutral observers be allowed access to the suit premises at the time of eviction.
- (b) Mandatory presence of Government officials or representatives including Nairobi County Government officials and security officers.
- (c) Compliance with the right to human dignity, life and security of the evictees.
- (d) Evictions must not take place at night, in bad weather, during festivals or holidays, prior to any election, during or just prior to school exams but preferably at the end of the school term or during school holidays.
- (e) That no one is subjected to indiscriminate attacks.

PART SIX

ANALYSIS OF REPORTS FROM MINISTRIES, DEPARTMENTS AND STATE AGENCIES ON THE IMPLEMENTATION OF THE CONSTITUTION

In April 2011 the Commission established a framework (*Circular OP.CAB.17/84/1A of 20th April 2011*) to facilitate working with government institutions (*executive and other state organs*) in the implementation of the Constitution and reporting on the progress. The Commission also developed a reporting framework (*including templates and timelines*) for submission of quarterly reports by all state organs. Though irregular, government institutions submitted quarterly reports on the status of implementation of the Constitution. During the period of June to September 2013, the Commission undertook an analysis of those reports received since April 2011. Section 6.1 below provides summary of the findings.

During the same period, the Commission undertook a baseline survey to establish progress made towards implementation of the Constitution, and getting the consolidated information, especially on formulation of policies, enactment of legislation, development of administrative procedures and required institutional frameworks as well as preparedness for devolution. Section 6.2 provides the summary findings. Full reports of the two analyses are found in CIC office and the website (www.cickenya.org).

6.1 Summary Findings from Progress Reports

The objective of the study was to analyze all the quarterly reports received from various ministries, departments and state agencies (MDAs) for the period April 2011 to December 2012. The study output included; improved reporting frameworks that would be used by ministries, state organs, county governments and legislative assemblies to report to CIC on the implementation of the Constitution; a one package comprehensive feedback to ministries and state agencies arising from the analysis of reports, and a special supplement report arising from the main report for the purpose of publishing. The reporting framework required information on various variables, including

- (a) Overall sectoral policy, other laws, subsidiary legislation and administrative instruments in the institution/sector.
- (b) Measures for familiarization with the Constitution, including availing copies of the Constitution and sensitization workshop for the staff

- (c) Isolation of sector specific provisions and sensitization of staff on their role in implementation of the provisions.
- (d) Integration of the implementation of the constitution in performance contracts.
- (e) Comprehensive audit of policies, laws, by-laws, regulations and administrative procedures, government guidelines and circulars required to implement the Constitution.
- (f) Devolution – specifically, measures taken in preparation for system of devolved government after the next general elections
- (g) List of ratified international treaties and conventions that relate to specific sectors.
- (h) Status of development of change management strategy
- (i) Collaboration with CIC.

Annex 4 provides a summary of MDAs which reported on the above variables. In brief, the total number of MDAs at the time the circular was issued was 227; comprising of 44 ministries and 183 state organs. 32 ministries out of a total of 44 ministries and 25 state organs out of a total of 183 state organs submitted the quarterly reports at least once during the period under review. The analysis categorised the MDAs into ministries, regulatory authorities, commercial enterprises, tertiary institutions, constitutional commissions and other. The reports were submitted by: ministries (84 reports), regulatory authorities (7 reports), commercial enterprises (10 reports), tertiary institutions (3 reports), constitutional commissions (1 report) and other institutions (13 reports). No single institution submitted all the reports, with 170 MDAs not submitting even a single report. Annex 3 provides summary findings.

6.2 Summary of Status of Constitution Implementation and Key Performance Indicators

The implementation assessment sought to establish progress made towards implementation of the Constitution, thus setting the base consolidated information, especially in formulation of policies, enactment of legislation and the development of administrative procedures and required institutional frameworks.

The sample size for the study was 80 institutions divided into two. 40 institutions that have at least made reports to CIC and 40 institutions that have not submitted any report. The findings show that all public institutions have policies, many dating to pre-promulgation of the Constitution. The identification of policies was done at three levels: national (where for example, policies on gender mainstreaming, disability, marginalization and diversity were made and cascaded uniformly to all public institutions); sector-wide (where ministries identified sectoral policies to be applicable to institutions under specific ministries or sectors); and, institution specific policies.

41 out of the 80 institutions in the sample had identified policies to be developed. The majority of institutions had identified between one and four policies to be developed. While the majority of the institutions had started the process of developing their policies, only a few had been completed.

As expected, public institutions had in existence a number of legislation for the implementation of the Constitution. The total number in each institution varies from those with as many as ten (such as the Capital Markets (10 legislations), Ministry of Agriculture (12 legislations), the Kenya Industrial Estates (11 legislations), the University of Nairobi (15 legislations) and, the Ministry of Education (24 legislations), to those with just one or two legislations such as the Public Procurement Oversight Authority and the Retirement Benefits Authority (one legislation each) and, the Media Council of Kenya (2 legislations). Most of the existing legislations pre-date the promulgation of the Constitution of Kenya. The study showed that, not many had been reviewed to align with the Constitution.

Further, the study showed that a majority of public institutions have in place administrative procedures but the exact number varies greatly. The numbers of existing administrative procedures ranges from 27 for the Ministry of Education; 12 for the Public Procurement Oversight Authority; 11 for Ministry of Information to one for the Export Processing Zones and for Ministry of Defence. A majority of these predate the Constitution of Kenya 2010.

PART SEVEN

CHALLENGES AND POTENTIAL IMPEDIMENTS TO THE IMPLEMENTATION OF THE CONSTITUTION

This chapter is dedicated to challenges, potential impediments and recommendations, which may also have been mentioned in various chapters. Specifically, challenges to devolution are discussed under Part Four of this report.

7.1 Substantive Amendment to Legislation through the Statute Law (Miscellaneous) Bill:

There appears to be a systematic attempt to defeat the letter and spirit of the Constitution by various statute law miscellaneous amendments made from time to time, most of which offer little opportunity for public participation and comment before enactment. Examples include

- a. The Commission is concerned by the use of the Statute Law (Miscellaneous Amendments) Bill to effect substantive and major changes to legislation. The Miscellaneous Bill is only intended to effect minor and primarily editorial amendments to laws. However, our review of the proposed The State Law (Miscellaneous Amendments) Bill 2013, revealed that major changes, some of which are unconstitutional and some of which have no policy basis have been sneaked into the Omnibus Bill. An example is an attempt to claw back on the principle of accountability integrated into the National Intelligence Service Bill by proposing amendments to remove powers of the National Security Council, which has supervisory power over national security organs, and give them to the Director General of National Intelligence Service. Functions are being proposed to be given to constitutional offices, which the Constitution does not permit. This is in violation of Article 2(2) of the Constitution.

Recommendation: The Attorney General should ensure that the Statute Law (Miscellaneous Amendment) Bill is used only to effect minor changes and not as a vehicle of violating the Constitution to legislating, which denies the people of Kenya their constitutional right to participate in the legislative process. Parliament must be vigilant in its scrutiny of the Statute Law (Miscellaneous Amendment) Bill to ensure that major amendments are not effected through this Bill.

7.2 Disregard of Constitutional Procedure of Developing and Processing Bills:

- a. Article 261 of the Constitution outlines the process to be used in the generation of legislation, and requires that the Attorney General should, in consultation with CIC, prepare Bills for tabling in Parliament. Section 14(2) of the Sixth Schedule to the Constitution requires that any Bill relating to the system of devolved government may be enacted only after CIC and the Commission on Revenue Allocation are consulted, and given thirty days to consider such legislation and any recommendations by the two Commissions are considered by Parliament.

Despite this clear procedure, Bills such as County Governments (Amendment) (No.2) Bill was published outside of the procedure of Article 261 and Section 14(2) of the Sixth Schedule to the Constitution.

There has also been late submission of Bills to CIC for review.

Recommendation: All State Organs involved in the development of Legislation to adhere to the process laid out in the Constitution for enactment of legislation.

- b. **Overlap in formulating legislative proposals:** While appreciating the prerogative of Parliament to legislate, there is an emerging trend where private members Bills appear to render efforts by state departments to formulate policy and legislative proposals irrelevant notwithstanding the financial resources employed in the process.

Recommendations: Members of Parliament should liaise with the respective executives to ensure that all legislative proposals are made in such a way as to meet the needs of this country and accord with the Constitution.

All state and non-state actors, including parliamentarians need to renew their resolve to promote, protect and defend the Constitution.

- c. **The Proposed Amendment to Article 260 of the Constitution by deleting the offices of Members of Parliament, Judges & Magistrates and Members of County Assemblies from the list of designated State Offices.** This amendment will have far-reaching effect on the Constitution as detailed in Annex 3. For example, State officers will be precluded from the application of Chapter Six thereby reversing the gains made in entrenching good governance in legislative assemblies and the Judiciary. It will necessitate a re-definition of Article 1 and many others, which use the term "State" to refer to all three arms of government. It will also reduce the oversight scope of the National Assembly and the Senate. This directly interferes with the functions of Parliament and therefore requires a referendum.

Recommendation: The proposed amendment to be subjected to a popular referendum

7.3 Limited Focus to Development of Policies

There has been more focus on review/development of legislation without policies that support them. This is demonstrated by large number of Bills being submitted for review and only a few policies.

Recommendation: Policies are necessary foundations for legislation. National and county governments should adopt a legislative process that prioritises policy making before legislation.

7.4 Failure, neglect or refusal to develop required regulations to give effect to legislation.

There are many Acts of Parliament that need regulations. The continued absence of the regulations means that the old regulations apply despite the fact that they do not comply with the Constitution. In instances where legislation is new, there is no regulatory framework and therefore creating a vacuum that can potentially cause confusion, conflict and at the worst pose a threat to national security.

Despite the Commission requesting for the regulations relating to the National Government Coordination Act, National Security Council Act, Power of Mercy Act and the National Police Service Act, none of these have been submitted. The offices responsible for the failure include the Cabinet secretary responsible for Internal Security and National Coordination, the Director General of Police, and The Attorney General.

The Commission did also request the Registrar of Political Parties for their regulations that are required to fully effect the Political Parties Act, 2011 and in particular, those outlined under Section 49 of the Act, so as to check the constitutionality and consistency with the relevant legislation of the regulations. As of end of September, these Regulations had not been submitted to CIC for review.

Recommendation: The development of these regulations is a legal requirement and not optional or discretionary. All affected institutions should develop relevant regulations and submit them to CIC without further undue delays.

7.5 Delays in Establishment of Constitutional Commissions

The establishment of various commissions under and by virtue of chapter 15 of the Constitution is not only imperative but was also designed to ensure effective realisation of the aspirations of the people of Kenya. Whereas a majority of the constitutional commissions envisaged in chapter 15 have been established, the appointment of commissioners to the Teachers Service Commission and the Kenya National Commission on Human Rights has been pending. While the establishment of KNCHR has been hampered partly by judicial intervention on petition by various parties, the continued delay in the establishment of the two commissions stands in the way of proper management of the Teachers Service Commission and the discharge of the critical role of the human rights body.

There have been cases of undermining some of the commissions and independent offices by other arms of the government. For instance the structured targeting of SRC by parliament over the salaries, limited allocation of funds to commissions and independent offices makes it hard for the institutions to operate.

Recommendations:

- (1) All state actors involved need to hasten the establishment of the two institutions to avoid further delay,
- (2) The constitutional commissions need to stand together and support each other for effective implementation of constitution.

7.6 Unresponsiveness by some implementing agencies to enquiries of implementation of the Constitution

- (i) CIC is required by law to report on the progress on implementation of the constitution. To enable CIC to carry out this mandate, it requires State organs to respond to enquiries on specific aspects on implementation. Some agencies including the Independent Electoral and Boundaries Commission have repeatedly failed to respond to inquiries by the CIC on key implementation issues.

Recommendation: CIC urges state agencies to cooperate in responding to enquiries on constitution implementation.

PART EIGHT

ACTIVITIES FOR THE NEXT QUARTER (OCTOBER-DECEMBER 2013)

Policy Review and Development

- (a) Review of priority labour policies for consistency with the Constitution
- (b) Review of the Policy Paper on Education and Training in Kenya (Sessional Paper No. 14 of 2012)
- (c) Review of Bills and policies within the Industrialization and Enterprise Development Sector, for which the Terms of Reference are currently under development.
- (d) Review of Sessional Paper on Devolution

- (e) Review of National Communication Policy
- (f) Review of Traditional Dispute Resolution Mechanism,

Legislation Review and Development

- (g) Consultative meetings with the Ministry of Agriculture, Livestock and Fisheries and identify priority legislation for review/ development and functional analysis of the State Corporations in light of the fact that agriculture is now a devolved function.
- (h) Review of priority labour legislation for consistency with the Constitution.
- (i) Finalize the review of proposed amendments to the Public Service Commission Act, 2012
- (j) Review of the Legal Aid Bill, 2013
- (k) Review of the Basic Education Act, 2013
- (l) Stakeholder consultations on the Health Policy and Health Bill 2013
- (m) Review of victims of offences Bill, 2013
- (n) Review of Persons with Disability Bill, 2013
- (o) Review of legal and administrative framework to support traditional dispute resolution

Regulations and Administrative Procedures

- (a) Convene a meeting of technical officers from Constitutional Commissions to adopt terms of reference for joint operations and to develop a work-plan for joint operations.
- (b) Review and validation of concept paper to guide policy, legislation and administrative actions towards including issues of persons with disabilities in all aspects of life in Kenya
- (c) Finalization of the concept paper on the development of the public participation policy
- (d) County visits to the 47 counties to enable the commission follow-up on implementation of the Constitution.

ANNEXES

Annex 1: Action Points From CIC Forum with Governors and Senators Held From 25th -28th, July 2013

Action	Responsibility
Legislative Agenda	
Send copies of Bills affecting Counties to Governors for their input and participation in the national legislative process	Senate
1. Identify all legislation that hinder effective devolution and initiate amendments., e.g., <ul style="list-style-type: none"> a. The PFM Act (clauses that prejudice effective budgeting) b. The CDF Act, Laws relating to devolved functions	Senate/NA/CIC/CRA
Introduce a Bill to amend the County Government Act, 2012 to define the Senate's oversight role in the budgeting process at the county levels	Senate
Define the legislative mandate of the Senate (<i>Senate has filed an Advisory Opinion at the Supreme Court</i>)	Supreme Court
Develop legislation on Article 189(4) – to provide procedures for settling inter-governmental disputes by alternative dispute resolution mechanisms, including negotiation, mediation and arbitration	Senate
2. The proposed Constitutional Amendments by the Senate should also address the role of governors and protection of county governments and give full legislative mandate to the senate. Propose amendments to Article 95 of the constitution that gives power to National Assembly veto powers over Division of Revenue. Detailed proposals to be shared with CIC before being translated in to amendment bill	Senate/ governors
3. Identify and prioritize specific legislation to fast-track Devolution. Share all these proposals with the Council of governors and Counties	Senate
Governance	
4. Establish formal communication channels between Senate & Governors <ul style="list-style-type: none"> a. Amend the Standing Orders to allow the Senate receive messages from governors and county assemblies through the Speaker. b. Establish a Select Committee of Senators and Governors (Central platform) who can meet often to address devolution issues c. Amend the Standing Orders to create the County Investment Committee to facilitate proper of proper environment for private sectors. Introduce a Bill on formal communication	
Establish the office of protocol in governors offices to facilitate meetings with potential investors and international guests	Governors
Establish County Steering Committees (in investments)	
Establish an effective public and media relations department for the Council of Governors.	Governors
Establish mechanisms for Senate to check on laws being passed by the County Assemblies	
Strengthen internal audit functions in county governments to ensure a proper check and balance system. (to strengthen fiscal and financial responsibilities)	
Planning and Budgeting	
5. Governors should consider the development of Sessional Paper as blueprints spelling out each county's development targets <ul style="list-style-type: none"> a. Map the Counties development infrastructure to determine your baselines. b. Develop blue print policies based on the County visions for development Ensure that every country progresses in development	
6. Establish mechanisms for the Senate to <ul style="list-style-type: none"> a. Participate in county budgeting processes 	Senators/ governors

Action	Responsibility
b. Get opportunity to comment on the County Budgets for compliance check with the Law	
7. Exercise their oversight role after expenditure approval by the county assemblies.	
8. Define indicators or deliverables or county impact assessment mechanisms to assess the extent to which devolution has or is being implemented	Council of Governors/CIC/CRA/TA
9. Re-examine the concept of marginalized areas (as used to calculate revenue allocation)	CRA
10. Establish structured mechanism of collaboration between the council of governors and senate.	Senators/ governors
11. Transfer of Functions	
12. Issue legal notice (gazettement) on what functions were devolved by March 4, 2013	TA
13. The Transitional Authority is creating rifts between the National Executive, County Executive and County Assemblies	
14. Organize a meeting between the national treasury, committee on devolved government, council of governors and the transitional authority to address issue of devolution	
15. Dissolve TA and work through inter governmental authority mechanisms	
16. Provide the readiness assessment reports prepared by TA (feed back) to the Governors.	TA
17. Proposal, Transfer all functions and powers to the county governments.	
a. Resources follow functions and that is the only way county governments can be equipped to implement devolution.	TA
18. Capacities will be developed on the basis of functions transferred.	
19. Need to address;	
a. The 'devolution of liabilities'	
b. The salaries of staff working at the county	
20. Conflict between the national and county government	
21. Transfer all functions.	
a. TA to finalize transfer functions by July 13th	
b. TA Develop criteria with minimum criteria taking into account what has happened since TA carried out the assessment.	TA
c. Using the criteria, the counties will apply	
d. The TA will gazette the transfer of functions.	

Annex 2: Summary Report of CIO/ CIOC on the Implementation of the Constitution

1. Discussion Areas

A. Collaborating to Implement the Constitution of Kenya

- (i) Roles and Responsibilities of CIOC & CIC: Reflection on Achievements, Challenges & Recommendations
- (ii) Roles and Responsibilities of CIOC & CIC (perspective from CIC)

B. The Legislative Agenda and Processes in the New Dispensation

- (i) New Parliamentary Procedure: Opportunities and Challenges
- (ii) Processing of Private Members Bills
- (iii) Role of Executive and cabinet in Legislative Process

C. Integrated Matrix on Legislation to be Enacted by Parliament

2. At the beginning of the retreat CIOC and CIC expressed the following expectations

- (i) Clarification of mandates, roles and responsibilities of CIOC and CIC
- (ii) Fostering of a good working relationship anchored on robust communication and consultation
- (iii) Understanding and jointly tackling of impediments to implementation of the Constitution including realization of a devolved system of government
- (iv) Understanding the timelines for required legislation and develop a joint framework to ensure quality and timely enactment of the legislation to implement the Constitution

3. Based on discussion areas in 1., deliberations on challenges, opportunities and way forward were guided by the awareness that:

- (i) First, the CIOC and CIC have a common objective of ensuring the implementation of both letter and the spirit of the Constitution, thus ensuring that the transformation envisioned by the people of Kenya is realized
- (ii) Secondly, change is not an easy process and that therefore the onus is upon CIOC and CIC within the context of their respective mandates to work both individually and jointly to address emerging challenges
- (iii) Thirdly, the constitution is a radical document, and therefore implementation hiccups were expected. Framers of the constitution understood this, hence the creation of CIC, CIOC and other implementation institutions
- (iv) Fourthly, reflecting on the implementation journey brings out lessons learnt that can inform both CIOC and CIC in moving forward. These include;
 - a. The need to work jointly to realize constitutionalism across government
 - b. The need to foster open communication within a framework of mutual trust and respect even in the face of diametrically opposed views

EMERGING ISSUES, RESOLUTIONS AND RESPONSIBILITIES FROM THE RETREAT

Theme	Resolutions	Responsibilities
1. Consultative Mechanism/Forums	(i) Joint Meetings: <ul style="list-style-type: none"> • Develop a schedule for regular consultative meetings to address issues of mutual concern 	CIC/CIOC

Theme	Resolutions	Responsibilities
	<ul style="list-style-type: none"> Have scheduled quarterly meetings (CIC & CIOC) to discuss the content of the reports and agree on actions/way forward <p>(ii) Proposed Agenda for initial meetings</p> <ul style="list-style-type: none"> Review CIC reports, pick out issues/challenges that have not been resolved and work out way forward. Continued prioritization and review of legislation Curing Constitutional compliance issues in CDF <p>(iii) The Constitution has positioned CIOC to address impediments to implementation of the Constitution. Thus, CIOC can:</p> <ul style="list-style-type: none"> Call upon other committees of parliament to account Call upon commissions to account Call executive to account <p>(iv) CIOC has therefore a constitutional obligation to defend the constitution of Kenya (and CIC as an institution)</p>	
2. Processing of Legislation	<p>As provided for in the Constitution:</p> <p>i) CIOC engage AG, KLRC and CIC in the pre and post publication scrutiny of both public/executive generated and committee/individual member generated Bills as required in Art 261</p> <p>ii) Ensure Public Participation in Processing of legislation including (Art 118)</p> <p>iii) Robust engagement of public sector stakeholders such as the national treasury and the affected ministries, departments and agencies</p>	CIOC
3. Prioritization of Legislation	<p>i) Ensure policies precede law including addressing previous gaps in this regard. It is essential that policy development be participatory including the engagement of the legislature to inform the eventual development of law</p> <p>ii) Agree with executive on timelines for development of legislation to ensure timely and quality of legislation</p> <p>iii) Review of existing laws that fall short of the constitutional threshold; e.g.,</p> <ul style="list-style-type: none"> Political Parties Act and regulations Ethic and Anti Corruption Commission Act, and ensure full establishment of EACC Fast track enactment of critical legislation such as the procurement and disposal act CDF <p>iv) Develop legislation to give effect to:</p> <ul style="list-style-type: none"> Provisions of the Constitution on dispute resolution between the two houses of parliament Progressive realization of the one third gender rule 	CIOC/CIC
4. Impediments to Implementation of a Devolved System of Government	<p>Section 4 of the 6th Schedule to the Constitution spells out what CIC should report to CIOC. CIOC should thus;</p> <p>i) Offer oversight on devolution:</p> <ul style="list-style-type: none"> Interrogate creation of devolution infrastructures. Ensure Devolution of powers and functions to counties is within the law. Look at the process of setting up institutions and structures and the seamless transfer of functions, etc. <p>ii) CIC & CIOC to develop a common consensus on</p> <ul style="list-style-type: none"> Laws on devolution that have been passed and their implementation status Laws required for effective implementation of devolution <p>iii) CIOC and CIC work together to promote adherence to the Constitutional and Statutory provisions on devolution, for example;</p> <ul style="list-style-type: none"> in the case of transfer of functions work together to see how this can be done as provided for in law particularly working pragmatically ensure Kenyans realize the objects of devolution establish a framework that respects the Constitutional provisions which allows for consultation among elected leaders at the national and county levels 	

Theme	Resolutions	Responsibilities
5. National Assembly and Senate	i) There is need to address supremacy battles between national assembly and the senate as will otherwise impede implementation of the Constitution	CIOC
	ii) Procedurally giving effect to Art 110 and addressing the mediation in the bicameral house as per Art 112 and 113 – the houses invest in creating political goodwill	
	iii) Promote engagement through the dispute resolution mechanisms provided for in the Constitution	CIOC
	iv) Explore opportunities for working together as a bicameral house	

ANNEX 3: ADVISORIES

A. ADVISORY ON THE SENATE'S BILL AN AFFRONT TO DEVOLUTION

The Senate, through the County Governments (Amendment)(No.2) Bill published on 16th August 2013 proposes to amend the County Governments Act, 2012 by inserting a new section to provide for the establishment of County Development Boards in each county. These Boards, which are chaired by the Local Senator "approve" all development plans and budgets before they are presented to the County Assemblies. The Bill if passed, would violate the letter and spirit of the Constitution. The Bill also contradicts recently passed devolution legislation such as the County Government Act, the Intergovernmental Relations Act and the Public Finance Management (PFM) Act, 2012 that were passed after extensive public consultation. To our knowledge no public consultations have occurred in relation to this latest Bill despite its far-reaching implications.

The principle role of any legislative assembly is that of enactment of legislation and oversight over public finances and state organs, while that of the Executive is implementation, coordination, management and administration of policies and legislation. The import of this is that the Parliament at the National level and County Assemblies at the County level have the oversight responsibility of scrutinizing and approving plans and budgets for the National government and County governments respectively, while the National Executive and County Executive have the responsibility of implementing projects in line with approved plans and budgetary allocations and reporting back to the legislative arms of the respective governments. In giving Senators and MPs coordination and implementation roles in the County Governments, the Bill mixes these two responsibilities and muddles the separation of powers so clearly stated as one of the principles of devolution.

Secondly the National and County governments are distinct governments, and their roles and functions are clearly defined in the constitution. The County government comprises the County Executive and the County Assembly solely. The Constitution does not contemplate another superintendent body of a "national nature" that plans alongside the County government, and prefects the County governments, so as to ensure that the County governments are planning and budgeting well. Where the County Executive plans and budgets badly, only the County Assembly can provide oversight over the County Executive. The Senators and MPs role is to enact legislation at the National level and provide corporate oversight over the finances of the Counties. This role is given to Senate corporately and does not grant individual Senators specific oversight responsibility over the Counties that elected them. Indeed the exact boundaries of the corporate Senate oversight role needs to be defined urgently but whichever way it is defined, it must not usurp the oversight role of the County Assemblies.

As for intergovernmental consultation, where the County government needs to consult the national government, the mechanisms of such consultation, which respect the institutional integrity of each level of government, are already provided for in the Intergovernmental Relations Act. For the Bill, Senate to purport to create an extra supervisory organ outside of these two levels of government and which the local Senators, MPs and national government functionaries oversee individual Counties defeats this principle of distinctiveness. The Bill also fails to promote the institutional integrity of each level of government as required by the Constitution. In one of the provisions of the Bill, the Chief Executive of the County, the Governor, is made the Secretary of the Board, which clearly betrays the view that the mover of the Bill has on the status of the County's Chief Executive. Would the Senate imagine a situation where at the National level the National Chief Executive's role was to serve as Secretary of some forum?

Recognising that the object of devolution is to enhance the participation of the people in the exercise of the powers of the State and in making decisions affecting them, the Public Finance Management (PFM) Act, 2012, and the County Government Act setup elaborate citizen centred forums to inform the planning and budget making processes at the County level. These Acts recognise that it is the County government that consults its citizens and therefore the role of constituting and overseeing these forums is granted to the County government. The Board proposed by the Bill would be a duplication of the functions of these already established forums and would in any event compromise the wider and more representative structures set out in the existing legislation.

An unstated reality is that these Boards will also cost money in sitting allowances and costs incurred in the administration and possible employment of staff of the Board in each county. It is not even clear who would be responsible for such expenditure since the Boards comprise, persons from the national and county governments.

The Senate is given the responsibility of protecting the constitution, and specifically to protect the interest of Counties. The intent of the Constitution was not that the Senate usurp the constitutional responsibilities of any organ of the County government as this Bill seeks to do. I urge the Senate to protect the Constitution and County Governments by rejecting this Bill

B. PROPOSED AMENDMENT TO ARTICLE 260 OF THE CONSTITUTION

The Commission for the Implementation of the Constitution (CIC) issues the following advisories to the people of Kenya regarding the Constitution of Kenya (Amendment) Bill published on 12th July 2013. The Bill seeks to amend Article 260 of the Constitution, by deleting the offices of Members of Parliament, Judges & Magistrates and Members of County Assemblies from the list of designated State Offices.

Having reviewed the Bill, CIC is of the opinion that:

- 1) The proposed amendments require a referendum since they would fundamentally change many provisions of the Constitution.
- 2) The Bill has not been processed in accordance with Article 261 of the Constitution, which requires that CIC be consulted in the development of Bills relating to the implementation of the Constitution.
- 3) The reference to conferment of the status of State officers to Members of Parliament, Judges and Magistrates and Members of County Assemblies does not in any way undermine the principle of separation of powers among the three arms of government.
- 4) The proposed amendments substantively change the Constitution and hence affect the implementation of many other Articles in the Constitution. Among the Articles to be affected are: 1, 73, 74, 75, 76, 77, 78, 79, 88, 94, 95, 96, 99, 103, 127, 172, 184, 193, 194, 230, 233, 234, 235, 251, the Third Schedule to the Constitution among others. This amounts to indirectly rewriting the Constitution, which has serious implications and therefore calls for discussions among all Kenyans.
- 5) The consequence of the proposed amendment will occasion additional expenditure of public funds in terms of the impact of the wage bill as

explained under paragraph 5 below

Below are our summarised discussions of the impact of the proposed amendment.

1. Effect of the Proposed Amendment on Chapter Six of the Constitution and the National Values and Principles of Governance

Article 10(2) of the Constitution entrenches good governance and integrity as national values. To ensure the attainment of these two values, Chapter 6 sets the threshold for integrity and recognises the special application of this threshold to State officers being persons who hold senior offices in government.

Given that Chapter Six focuses on State officers, an amendment to exclude Judges, MPs and MCAs from being State officers will preclude them from the application of the Chapter thereby reversing the gains made in entrenching good governance in legislative assemblies and the Judiciary. Under Chapter 6 holders of dual citizenship cannot be State officers. The amendments will allow dual citizens to be MPs and MCAs, therefore undermining the intention of Kenyans to be represented by elected leaders who do not owe allegiance to other States

2. Undermining the sovereignty of the people

Article 1 of the Constitution relates to the sovereign power of the people of Kenya. It proceeds to delegate this power to three “State organs” – which include “Parliament and the legislative assemblies in the county governments and the Judiciary and independent tribunals, the national executive and the executive structures in the county governments”. The removal of the status of ‘State Officer’ from the members of these two arms of government will necessitate a re-definition of this Article and many others, which use the term “State” to refer to all three arms of government. This amounts to the re-writing of the Constitution.

Article 74 of the Constitution requires that State officers take an oath of office before assuming an office, acting in or performing any functions of a State office. The Third Schedule to the Constitution outlines the national oaths and affirmation of various State offices, including those of Judges and Members of Parliament. An oath of office is not a mere ritual but a significant demonstration of the acceptance of the sovereignty of the people of Kenya and the recognition of the supremacy of the Constitution of Kenya. This schedule would have to be deleted if these officers are no longer state officers since there is no constitutional basis for them to take the Oaths in the constitution. If Members of Parliament, Judges and Magistrates and Members of County Assemblies do not pledge allegiance to the people and the Constitution, that is a matter that goes to the heart of Article 1 on the sovereignty of the people and therefore, as per Article 255(1) requires a referendum.

3. Interference with the Functions and Independence of Chapter 15 Commissions

In recognition of the need to provide for a mechanism to protect the sovereignty of the people, the Constitution established various commissions. The Commissions likely to be affected by the proposed amendments are:

- (a) *The Salaries and Remuneration Commission (SRC)* is obligated under Article 230(4) of the Constitution to set and regularly review the remuneration and benefits of all State officers. The proposed amendment, if effected, will reduce the mandate of SRC. Whereas parliament may give additional mandates to chapter 15 commissions, it cannot take away or contradict their mandates without subjecting the same to a referendum.
- (b) *The Ethics and Anti-corruption Commission (EACC)* is established under Article 79 of the Constitution to ensure compliance with, and enforcement of the provisions of Chapter Six. The proposed amendments will therefore reduce the jurisdiction of the mandate of EACC in respect of MPs, Members of County Assemblies and Judges and magistrates.

4. Constitutional Crisis in the Setting of Salaries of Judges and Magistrates, Members of Parliament and Members of County Assemblies

The Constitution provides for two categories of officers, namely State officers and other public officers. The SRC has the constitutional mandate to determine the salaries of State officers and to advise the “national and county governments on salaries of “all other public officers”. The removal of the status of State officers from MPs, Judges and Magistrates and MCAs will mean that they have the status of other public officers. This will mean that their salaries and benefits will be determined by the national and county governments (Article 230 (4) (b) thereby undermining the doctrine of separation of powers.

If on the other hand the salaries for MPs will be set by the Parliamentary Service Commission there would be massive conflict of interest as the PARLS- COM largely comprises of MPs. It is clear that the people of Kenya did not intend to have MPs set their own salaries.

For the Judges and judicial officers, the JSC is constitutionally prohibited from setting their salaries (Art 172 (1)(b)(i) so their terms will be set by the National Government. Not only would this conflict with the separation of powers but it would introduce a prejudice to County Governments when the Judiciary is called upon to resolve cases between them and the National government.

5. Impact on the Wage Bill

In the performance of its functions, Article 230(5) of the Constitution so requires SRC to ensure fiscal sustainability of the total public wage bill. Having senior public officers setting their own salaries will compromise this constitutional intent. SRC is also required to ensure a rational wage structure within all State organs; the concept of State organs is clearly a unifying thread to this role of SRC. By having multiple organs fixing State officers’ salaries, the end result would be disharmony in the remuneration structure within the public service, the very situation the Constitution sought to avoid.

6. Effect of the Amendment on the Functions of Parliament

A key function of Parliament under Article 94(4) is to protect the constitution. Parliament exercises oversight over State organs and State officers under Article 94(4)(c), (5) and (6) because it represents the people in constituencies. Consequently, the proposed amendment will reduce the oversight scope of the National Assembly and the Senate as it removes some of the officers from the jurisdiction of the National Assembly. This directly interferes with the functions of Parliament and therefore requires a referendum.

Conclusion

Any amendment to the Constitution must meet certain minimum standards, key among them being the protection of the Constitution and the sovereign will of the people of Kenya, as opposed to serving the parochial interests of the people to whom the people’s power is delegated to;

- (a) Hence there is need for the people of Kenya to reflect on the following:

- (i) What is the true intention of this amendment and who benefits from it? Does it in any way benefit the people of Kenya?

- Does it accord with the exercise and protection of the Sovereignty of the people on which the Constitution is based?
- (ii) What is the motive behind including the Judiciary in this amendment?
 - (iii) On interrogation of Article 255 of the Constitution, are the proposed amendments to be effected by a referendum or by a parliamentary initiative?
 - (iv) The proposed amendments have been authored by the National Assembly and yet they include third parties, namely Judges, magistrates and Members of County Assemblies. What is the position of these State officers on the proposed amendments? As holders of offices emanating from the Sovereignty of the people, the Kenyan people are entitled to know this.

The Constitution of Kenya 2010 is the people's constitution. Unlike the 1963 constitution it must not be mutilated for the benefit of a few. Kenyans must remain vigilant to ensure that they protect their constitution, for in it lies their hopes for a better Kenya.

CHARLES NYACHAE
CIC Chairperson

Annex 4-Summary of Ministries, Departments and State Agencies that Submitted Reports (April 2011-Dec 2012)

No.	Element / Variable	Other state organs	Commercial Enterprises	Regulatory Authorities	Commissions	Tertiary Institutions	Total State Organs	Total Ministries	Total Institutions
Baseline Information (MDAs with.....)									
1.	Overall sectoral policies	9	1	5	1	2	18	24	42
2.	Other policies in the sector	8	1	3	1	0	13	10	23
3.	Identified laws they are responsible for (that Guide Implementation)	12	1	6	1	2	22	26	48
4.	Have developed circulars	1		2		1		4	8
5.	Subsidiary legislation	6	0	4	1	1	12	6	18
6.	Administrative instruments	9	1	5	1	2	18	12	30
Familiarization with constitution of Kenya, 2010 (MDAs that have...)									
7.	Availed copies of constitution to staff	7	0	0	1	2	10	23	33
8.	Uploaded soft copy of the constitution on the website	11	1	2	1	3	18	18	36
9.	Held sensitization Workshop to staff	7	1	1	1	3	13	24	37
10.	Isolated sector specific constitutional provisions	5	0	3	1	1	10	12	22
11.	Integrated the constitution into performance contracts	11	0	5	1	2	19	19	38
Policies Review/Development and Application – for consistency with the Constitution (MDAs that have...)									
12.	Reviewed policies	11	1	4	1	3	20	20	40
13.	Identified policies to be developed by Dec 2012	6	1	3	0	1	11	7	18
14.	Identified policies to be developed by Dec. 2013	6	0	3	0	1	10	7	17
15.	Identified policies to be developed Long term	4	0	3	1	1	9	7	16
Legislation: Review/Development and Application - for consistency with the Constitution (MDAs that have...)									
16.	Reviewed laws	6	0	4	1	3	14	20	34
17.	Identified laws to be developed/reviewed by Dec 2012	3	0	2	1	0	6	8	14
18.	Identified laws to be developed/reviewed by Dec 2013	1	0	1	1	0	3	6	9
19.	Identified laws to be developed/reviewed long term	2	0	3	0	0	5	6	11
Administrative Procedures Review/Development and Application - for consistency with the Constitution (MDAs that have...)									
20.	Reviewed/developed Administrative procedures	8	0	4	1	3	16	13	29
21.	Identified Administrative procedures to be reviewed/developed by Dec 2012	4	0	3	1	0	8	3	11
22.	Identified Administrative procedures to be reviewed/developed by Dec 2013	1	0	3	1	0	5	3	8
23.	Identified Administrative procedures to be reviewed/developed in long term	2	0	2	0	1	5	3	8

No.	Element / Variable	Other state organs	Commercial Enterprises	Regulatory Authorities	Commis sions	Tertiary Institutions	Total State Organs	Total Ministries	Total Institutions
	Ratified International Treaties and Conventions (<i>MDAs that have.....</i>)								
24.	Ratified International Treaties	2	0	2	0	0	4	9	13
	Change management Strategy (<i>MDAs that have.....</i>)								
25.	Change management strategies	2	0	2	0	0	4	8	12

Annex 5: Cumulative Enacted Acts of Parliament, Policies and Administrative Procedures

2010	
1. Commission for the Implementation of the Constitution Act (No 9 of 2010)	
2. Animal Technicians Act (No. 11 of 2010)	
3. Competition Act (No.12 of 2010)	
2011	
4. Commission of Administrative Justice Act (No. 23 of 2011)	21. National Gender and Equality Commission Act (No. 15 of 2011)
5. Commission on Revenue Allocation Act (No. 16 of 2011)	22. National Government Loans Guarantee Act (No. 18 of 2011)
6. Elections Acts Act (No. 24 of 2011)	23. National Payment System Act (No. 39 of 2011)
7. Engineers Act (No. 43 of 2011)	24. National Police Service Commission Act (No. 30 of 2011)
8. Environment and Land Court Act (No. 19 of 2011)	25. National Police Service Act (No. 11A of 2011)
9. Ethics and Anti-Corruption Commission Act (No. 22 of 2011)	26. Political Parties Act (No. 11 of 2011)
10. Independent Electoral and Boundaries Commission (No. 9 of 2011)	27. Power of Mercy Act (No. 21 of 2011)
11. Independent Offices Appointment Act (No. 8 of 2011)	28. Price Control (Essential Goods) Act (No. 26 of 2011)
12. Independent Policing Oversight Authority Act (No. 35 of 2011)	29. Prohibition of Female Genital Mutilation Act (No. 32 of 2011)
13. Industrial Court Act (No. 20 of 2011)	30. Public Appointments (Parliamentary Approval) Act, 2011 (No. 33 of 2011)
14. Judicial Service Act (No. 1 of 2011)	31. Salaries and Remuneration Commission Act (No. 10 of 2011)
15. Kenya Citizenship and Immigration Act (No. 12 of 2011)	32. Tourism Act (No. 28 of 2011)
16. Kenya Citizens and Foreign Nationals Management Service Act (No. 31 of 2011)	33. Unclaimed Financial Assets Act (No. 40 of 2011)
17. Kenya National Commission on Human Rights Act (No. 14 of 2011)	34. Urban Areas and Cities Act (No. 13 of 2011)
18. Limited Liability Partnership Act (No. 42 of 2011)	35. Vetting of Judges and Magistrates Act (No. 2 of 2011)
19. Mutual Legal Assistance Act (No. 36 of 2011)	36. Veterinary Surgeons and Veterinary Para-Professionals Act (No. 29 of 2011)
20. National Construction Authority Act (No. 41 of 2011)	
2012	
37. Appropriation Act, 2012 (No. 11 of 2012)	59. National Security Council Act (No. 23 of 2012)
38. Assumption of the Office of the President Act (No. 21 of 2012)	60. National Transport and Safety Authority Act (No. 33 of 2012)
39. Breast Milk Substitutes (Regulation and Control) Act (No. 34 of 2012)	61. Office of the Attorney-General Act (No. 49 of 2012)
40. Cancer Prevention and Control Act (No. 15 of 2012)	62. Partnerships Act, 2012 (No. 16 of 2012)
41. Consumer Protection Act (No. 46 of 2012)	63. Petitions to the Parliament (Procedure) Act (No. 22 of 2012)
42. County Governments Act (No. 17 of 2012)	64. Prevention, Protection and Assistance to Internally Displaced Persons and Affected Communities Act, 2012 (No. 56 of 2012)
43. Finance Act (No. 4 of 2012)	65. Prevention of Terrorism Act (No 30 of 2012)
44. Finance Act (No. 57 of 2012)	66. Public Finance Management Act, 2012 (18 of 2012)
45. Intergovernmental Relations Act (No. 2 of 2012)	67. Public Service Commission Act (No. 13 of 2012)
46. Kenya Defense Forces Act (No. 25 of 2012)	68. Public Service Superannuation Scheme Act (No. 8 of 2012)
47. Kenya Deposit Insurance Act (No. 10 of 2012)	69. Publication of Electoral Opinion Polls Act (No. 39 of 2012)
48. Kenya Examinations Council Act (No. 29 of 2012)	70. Statute Law Miscellaneous Act (No. 12 of 2012)
49. Kenya Plant Health Inspectorate Service Act (No. 54 of 2012)	71. Supplementary Appropriation Act (No. 7 of 2012)
50. Kenya School of Government Act (No. 9 of 2012)	72. Teachers Service Commission Act (No. 20 of 2012)
51. Kenya School of Law Act (No. 26 of 2012)	73. Transition to Devolved Government Act (No. 1 of 2012)
52. Land Act (No. 6 of 2012)	74. Treaty Making and Ratification Act (No. 45 of 2012)
53. Land Registration Act (No. 3 of 2012)	75. Universities Act (No. 42 of 2012)
54. Leadership and Integrity Act (No. 19 of 2012)	
55. Legal Education Act (No. 27 of 2012)	
56. National Authority for the Campaign against Alcohol and Drug Abuse Act (No. 14 of 2012)	
57. National Intelligence Service Act (No. 28 of 2012)	
58. National Land Commission Act (No. 5 of 2012)	
2013	
1. County Governments Public Finance Management Transition Act	Amendment Acts

<p><i>(No. 8 of 2013)</i></p> <p>2. Kenya Institute of Curriculum Development Act (No. 4 of 2013)</p> <p>3. The National Commission of for UNESCO Act (No. 5 of 2013)</p> <p>4. National Honours Act (No 11 of 2013)</p> <p>5. <i>National Government Co-ordination Act (No. 1 of 2013)</i></p> <p>6. Office of the Director of Public Prosecution Act (No. 2 of 2013)</p> <p>7. Public Health Officers Act (No. 12 of 2013)</p> <p>8. Supplementary Appropriation Act (No. 3 of 2013)</p> <p>9. <i>Transition County Allocation of Revenue Act (No. 5 of 2013)</i></p> <p>10. <i>Transition County Appropriation Act (No. 6 of 2013)</i></p> <p>11. Division of Revenue Act, 2013</p>	<p>2010</p> <p>12. Commissions of Inquiry (Amendment) Act, (No. 5 of 2010)</p> <p>13. Witness Protection (Amendment) Act, (No. 2 of 2010)</p> <p>14. Finance Act, (No. 10 of 2010)</p> <p>15. 2011</p> <p>16. Capital Markets (Amendment) Act, (No. 37 of 2011)</p> <p>17. Central Depositories (Amendment) Act, (No. 38 of 2011)</p> <p>18. Industrial Training (Amendment) Act, (No. 34 of 2011)</p> <p>19. Nurses (Amendment) Act, (No. 27 of 2011)</p> <p>20. Tea (Amendment) Act, (No. 4 of 2011)</p> <p>21. Traffic (Amendment) Act, (No. 3 of 2011)</p> <p>22. <i>Vetting of Judges and Magistrates (Amendment) Act, (No. 6 of 2011)</i></p>
<p>2012</p> <p>23. Capital Markets (Amendment) Act, (No. 35 of 2012)</p> <p>24. Central Bank of Kenya (Amendment) Act, (No. 36 of 2012)</p> <p>25. Elections (Amendment) Act, (No. 31 of 2012)</p> <p>26. Elections (Amendment) No. 2 Act, (No. 32 of 2012)</p> <p>27. Elections (Amendment) No. 3 Act, (No. 48 of 2012)</p> <p>28. Judicature (Amendment) Act, (No. 10A of 2012)</p> <p>29. Political Parties (Amendment) Act, (No. 50 of 2012)</p>	<p>30. Proceeds of Crime and Anti-Money Laundering (Amendment) Act, (No. 51 of 2012)</p> <p>31. Seed and Plant Varieties (Amendment) Act, 2012 (No. 53 of 2012)</p> <p>32. Statute Law Miscellaneous (Amendment) Act, (No. 2 of 2012)</p> <p>33. Traffic (Amendment) Act, (No. 37 of 2012)</p> <p>34. Traffic (Amendment) No. 2 Act, (No. 38 of 2012)</p> <p>35. Truth, Justice and Reconciliation (Amendment) Act, (No. 44 of 2012)</p> <p>36. <i>Vetting of Judges and Magistrates (Amendment) Act, (No 43 of 2012)</i></p>
<p>2013</p> <p>37. Customs and Excise (Amendment) Act, (No. 10 of 2013)</p> <p>38. Presidential Retirement Benefits (Amendment) Act, (No. 9 of 2013)</p> <p>39. The County Allocation of Revenue Act, 2013</p> <p>40. The Appropriation Act, 2013</p> <p>41. The Constituency Development Fund (Amendment) Act, 2013</p>	

*The Acts in italics were developed in consultation with the Commission

BILLS PUBLISHED BETWEEN JULY – SEPTEMBER, 2013

Senate Bills 2013

No.	Bill	Date Published	Maturity date	1st Reading	2nd Reading	3rd Reading	Assented to
1	The National Flag Emblems and Names Amendment Bill, 2013	05/07/2013	19/07/2013	-	-	-	-
2	The County Governments Amendment Bill, 2013	26/07/2013	09/08/2013	-	-	-	-
3	The County Governments (Amendment)(No 2) Bill, 2013	07/08/2013	-				

Source: Kenya Law Report Website (www.kenyalaw.org) date 23/10/2013

National Assembly Bills – 2013

No.	Bill	Date Published	Maturity date	1st Reading	2nd Reading	3rd Reading	Assented to
1	The Matrimonial Property Bill, 2013	05/07/2013	18/07/2013	25/07/2013	-	-	-
2	The Marriage Bill, 2013	05/07/2013	16/07/2013	16/07/2013	-	-	-
3	The Election Campaign Financing Bill, 2013	05/07/2013	16/07/2013	16/07/2013	-	-	-
4	The Constitution of Kenya (Amendment) Bill, 2013	12/07/2013	26/07/2013	01/08/2013	-	-	-
5	The Agriculture, Fisheries and Food (Amendment) Bill, 2013	12/07/2013	17/07/2013	17/07/2013	17/07/2013 18/07/2013	18/07/2013	-
6	The National Police Service Commission (Amendment) Bill, 2013	16/07/2013	23/07/2013	23/07/2013	-	-	-
7	The Kenya Information and Communications Amendment Bill, 2013	22/07/2013	05/08/2013	-	-	-	-
8	The Media Council Bill, 2013	22/07/2013	05/08/2013	-	-	-	-
9	The Wildlife Conservation and Management Bill, 2013	22/07/2013	05/08/2013	-	-	-	-
10	The Truth Justice and Reconciliation Amendment Bill, 2013	23/07/2013	05/08/2013	06/08/2013	-	-	-
11	The National Flag Emblems and Names Amendment Bill, 2013	26/07/2013	09/08/2013	-	-	-	-
12	The National Social Security Fund Bill, 2013	02/08/2013	-	-	-	-	-
13	Constitution of Kenya	30/07/2013	-	-	-	-	-

No.	Bill	Date Published	Maturity date	1st Reading	2nd Reading	3rd Reading	Assented to
	(Amendment)(No 2) Bill, 2013						
14	The Law Society of Kenya Bill, 2013	26/07/2013	-	-	-	-	-
15	The Constituencies Development Fund (Amendment) Bill, 2013	02/08/2013	-	-	-	-	-

Source: Kenya Law Report Website (www.kenyalaw.org) date 23/10/2013

County Assembly Bills 2013

No.	Bill	Date Published	Maturity date	1st Reading	2nd Reading	3rd Reading	Assented to
1	The Kiambu County Alcoholic Drinks Control Bill, 2013	30/07/2013	-	-	-	-	-
2	The West Pokot County Supplementary Appropriation Bill, 2013	21/08/2013	-	-	-	-	-
3	The Migori County Appropriation Amendment Bill, 2013	25/09/2013	-	-	-	-	-
4	The Kisii County Appropriation (Amendment) Bill, 2013	16/08/2013	-	-	-	-	-
5	The Mandera County Finance Bill, 2013	20/09/2013	-	-	-	-	-
6	The Mandera County Supplementary Appropriation Bill, 2013	13/09/2013	-	-	-	-	-

Source: Kenya Law Report Website (www.kenyalaw.org) date 23/10/2013

Annex 6: CIC Circular to County Governments on the Role of County Governments and County Public Entities in the Implementation of the Constitution: A Consultative Framework

CIC/CIRCULARS/1

12th April, 2013

All Governors
All County Speakers
All County Clerks
All County Secretaries

THE ROLE OF COUNTY GOVERNMENTS AND COUNTY PUBLIC ENTITIES IN THE IMPLEMENTATION OF THE CONSTITUTION: A CONSULTATIVE FRAMEWORK

The objective of this communication is to advise all county governments and county public entities on the modalities and process for ensuring full and faithful implementation of the Constitution of Kenya 2010.

The Commission for the Implementation of the Constitution (CIC) is established under Section 5(1) of the Sixth Schedule to the Constitution. The mandate of CIC is stipulated in Section 4(a), 5(6), and 15(d) of the Sixth Schedule to the Constitution, the Commission for the Implementation of the Constitution Act 2010 and the Transition to Devolved Government Act.

The functions of CIC are to:

- (a) monitor, facilitate and oversee the development of legislation and administrative procedures required to implement the Constitution;
- (b) co-ordinate with the Attorney-General and the Kenya Law Reform Commission in preparing for tabling in Parliament, the legislation required to implement the Constitution;
- (c) report every three (3) months to the Constitutional Implementation Oversight Committee on:-
 - (i) progress in the implementation of the Constitution;
 - (ii) the preparation of the legislation required by the Constitution and any challenges in that regard;
 - (iii) the process of establishing new commissions;
 - (iv) the process of establishing the infrastructure necessary for the proper operation of each county including progress on locating offices and assemblies and establishment and transfers of staff;
 - (v) the devolution of powers and functions to the counties;
 - (vi) any impediments to the process of implementing the Constitution;
- (d) work with each Constitutional Commission to ensure that the letter and spirit of the Constitution is respected;
- (e) Exercise such other functions as are provided for by the Constitution or any other written law;
- (f) Monitor and oversee the transition process to devolved government and ensure that the system of devolved government is implemented effectively.

The mandate of CIC is further amplified by Article 249 (1) of the Constitution which sets out the objects of Constitutional Commissions and independent offices to include:

- (a) protecting the sovereignty of the people;
- (b) securing the observance by all State organs of democratic values and principles; and
- (c) promoting constitutionalism.

This circular is issued pursuant to the Commission's mandate.

IMPLEMENTATION FRAMEWORK

The Commission advises state officers and other public officers working with and for county governments and county public entities to undertake the following in the course of discharging their mandate:

- (1) Familiarize themselves with the Constitution and its implications and ensure that:-
 - (a) In the course of performing their duties the letter and spirit of the constitution is respected;
 - (b) In discharging their legislative functions all laws and administrative procedures that are developed are consistent with the letter and spirit of the constitution;
 - (c) Implementation of the Constitution and the national values and principles are integrated in the preparation and approval of county policies and plans; and, acquaint themselves with national policies and legislation relating to the implementation of the devolved system of government, the various functions in the Fourth Schedule and regulations made pursuant to the legislation.
- (2) Identify and develop county policies and plans for the effective discharge of their functions.
- (3) Identify, develop and review county government legislation necessary for the regulation of and to facilitate the effective discharge of county government functions. In undertaking this activity, county governments may consult the Kenya Law Reform Commission and the Commission.
- (4) Identify and develop relevant administrative procedures and guidelines for the operationalisation of county legislation for the effective discharge of their functions.
- (5) Identify and prepare relevant plans and policies for the management and exploitation of the county's natural resources and the development and management of its infrastructure and institutions.
- (6) In determining the laws, policies, plans and administrative procedures to be developed and reviewed, a county government should take into account the following:-
 - (a) The constitutional provisions relating to the matter to be legislated;
 - (b) National legislation and policy concerning the sector;
 - (c) The existence of any international treaty ratified by Kenya relating to any matter concerning the sector (Article 2(5)(6));
 - (d) The provisions relating to the fundamental rights and freedoms together with the national values and principles in the Constitution and the need to incorporate the requirement for adopting a human rights based approach to planning and programming;
 - (e) The need to achieve progressive implementation of the socio-economic rights under Article 43 of the Constitution in appropriate legislation;
 - (f) The objects and principles of devolution stipulated in Article 174 and Article 175 of the Constitution including:
 - (i) Promotion of social and economic development and the provision of proximate, easily accessible services;
 - (ii) Democratic exercise of power;
 - (iii) Participation of the people in the exercise of state powers and in decision making
 - (iv) Separation of powers;
 - (v) Reliable sources of revenue for effective service effectively ;
 - (vi) Gender equity and equality

GUIDING VALUES AND PRINCIPLES

- (7) In discharging their functions county governments shall seek to ensure the observance of national values and principles, ethics and integrity and principles of public finance as enshrined in the Constitution, these include:
 - (i) Participation of the people;
 - (ii) Equity, inclusiveness, human rights, social justice, equality , non-discrimination and protection of the marginalized;
 - (iii) The principle of gender equity and regional balance in the consideration of opportunities;
 - (iv) Sharing and devolution of power;
 - (v) Good governance, integrity, transparency and accountability
 - (vi) Sustainable development;
 - (vii) The principles on leadership and integrity in Chapter 6 of the Constitution; and
 - (viii) The principles of fairness, prudence, clarity and the need for fiscal responsibility in the management of public resources in Chapter 12 of the constitution.

PUBLIC PARTICIPATION

- (8) In determining and generating county legislation, plans and policies every county government and every institution involved in the devolved system of government should ensure that the process leading to the determination of the legislation is undertaken in a participatory and transparent manner. Public participation includes one or a combination of any of the following:-
 - (i) Structured process of gathering views of the public during policy formulation or preparation of legislation;
 - (ii) Timely access to information, data, documents, and other information relevant or related to policy formulation and implementation;
 - (iii) Reasonable access to the process of formulating and implementing policies, laws, and regulations, including the approval of development proposals, projects and budgets, the granting of permits and the establishment of specific performance standards;
 - (iv) Protection and promotion of the interest and rights of minorities, marginalised groups and communities and their access to relevant information;

- (v) Stakeholder input through meetings and/or correspondence;
- (vi) Dissemination of draft legislation to the public for discussion through various media outlets;
- (vii) Focused debate on policy or draft Bill;
- (viii) Any other credible process of considering and incorporating public views;

(9) In reviewing policies and legislation the following criteria should also be taken into account:-

- (a) The extent to which the public participated effectively in generating the policy or legislation;
- (b) The consistency of proposed legislation, policies and plans with the letter and spirit of the constitution;
- (c) The adequacy and sufficiency of the legislation and administrative procedures in facilitating implementation of devolved system of government;

WORKING WITH THE NATIONAL GOVERNMENT

(10) The Constitution and laws relating to devolved government call for cooperation and consultation between the governments. Every county government shall, to this end, take measures to facilitate consultation and cooperation between itself and another county government and, between itself and the national government to ensure effective and optimal delivery of services.

CHANGE MANAGEMENT

- (11) The Constitution of Kenya is a transformative instrument that institutionalized the devolved system of governance. It therefore calls for a fundamental paradigm shift which requires a strategy to guarantee devolution of power, resources and services and the attendant capacity of counties to deliver services.
- (12) CIC recommends that each county government develops a governance and management strategy outlining how each county plans to effect the new dispensation under the Constitution and which is necessary for the realization of the devolved system of government.
- (13) Each county government shall ensure that it trains its staff to internalize the objectives of the implementation of the Constitution and the devolved system of government. As part of its mandate of ensuring that the letter and spirit of the Constitution is respected, CIC undertakes to review the structures and systems, including the human resource ones such as training guidelines developed and being applied by a county so as to ensure compliance with the Constitution.

WORKING WITH THE CIC AND REPORTING OBLIGATIONS

(14) The Transition to Devolved Government Act requires county governments to prepare a transition plan and progress reports on implementation of the devolved system of government. To discharge this statutory obligation every county government shall designate a unit charged with the responsibility to oversee the activities necessary for the implementation of the Constitution.

The implementation unit shall, among other things:

- (a) Coordinate and facilitate with different units of the county governments to ensure implementation of and compliance with the Constitution;
- (b) Facilitate the development, realization and monitoring of the transition implementation plans, including county profiles, the structures and systems, including the decentralized units which they need for their realization and, a monitoring and evaluation framework;
- (c) Liaise with CIC and TA in facilitating the transition to devolved government; and
- (d) Coordinate the preparation and submission periodic progress reports on the implementation of the Constitution as stipulated in Section 16 (3) of the Transition to Devolved Government Act.

(15) Pursuant to Section 16 of the transition to devolved government Act each county government is required to submit a Transition Plan to TA and CIC, the Summit and the Council of Governors. Within 60 days from date of the assumption of office by governors (27 March, 2013) each county government shall submit transition plans indicating:

- (a) The priority policies, laws, regulations, implementation frameworks and administrative procedures to be developed and enacted by county governments indicating the timeframe for each activity;
- (b) Projected fiscal, human resource, documentation strategy and infrastructural requirements, together with the decentralised units and structure of the executive arm of government they have settled on
- (c) A broad framework for the implementation and monitoring of their system of governance and management, including for the implementation of each of the functions in the Fourth Schedule to the Constitution
- (d) Projected service delivery plan for the discharge of county government functions as listed in the fourth schedule

(16) Each county government shall submit its progress report on a quarterly basis within five days of the end of each quarter. For the purposes of this communication, the **first quarter ends on the 30th of June 2013.**

CIC will monitor, facilitate and oversee the development of policies, legislation and administrative processes, systems and structures to required for the county governments to implement the Constitution.

CHARLES NYACHAE

Chairperson

Commission for the Implementation of the Constitution

Annex 7: Chairperson and Commissioners of the Commission

Mr. Charles Nyachae
Chairperson

Dr. Elizabeth Muli
Vice-Chairperson, Convener of the Executive and Security Thematic Team

Dr. Imaana Kibaaya Laibuta

Convener of the Judiciary and Constitutional Commissions Thematic Team
Prof. Peter Wanyande
Convener of the Devolved Government Thematic Team

Mr. Kamotho Waiganjo
Convener of the Public Finance Thematic Team

Ms. Catherine M. Mumma
Convener of the Bill of Rights and Citizenship Thematic Team

Dr. Ibrahim M. Ali
Convener of the Land and Environment Thematic Team

Mr. Philemon Mwaisaka, EBS,SS
Convener of the Public Service and Leadership Thematic Team

Dr. Florence Omosa
Convener of the Representation of the People & the Legislature Team

Annex 8: Senior Management Team

Ms. Lily Koros
Ag. CEO/Director Management Services

Mrs. Esther Kodhek
Director of Programmes

Mr. Kennedy Malinda
Supply Chain Management

Mr. Khalid Salim
Head of Communications

Mr. Mugita Gesongo
Head of Monitoring and Evaluation

Ms. KabaleTache
Head of Human Resource

Mrs. Elizabeth K. Obiero
Principal Programme Officer, Organisational Development & Institutional Strengthening

Mr. James Wagalla
Principal Programme Officer, Organisational Development & Institutional Strengthening

Ms. Doreen Muthaura
Principal Programme Officer, Legislative Drafting

Ms. Sophia Sitati
Senior Programmes Officer, General Thematic Area Support

Mrs. Christine Njeru Kuria
Senior Programmes Officer-Citizenship and Bill of Rights Thematic Area

Ms. Caroline Gaita
Senior Programmes Officer, Judiciary and Constitutional Commissions Thematic Area

Mr. Felix Oganga
Head of Finance

Mr. Bernard Cherutich
Head of Accounts

Ms. Catherine Muia
Head of Records

Mr. Timothy Kariuki
Senior Programmes Officer,

Mrs. Margaret Akutekha
Head of Audit

Mr. Fredrick Oromo
Senior Supply Chain Management Officer

Ms. Edith C. Cheramboss
Senior Programmes Officer, Public Service and Leadership Thematic Area

Ms. Mary Goretti Orwa,
Senior Programme Officer, The Representation of the People and Legislature Thematic Area

Ms. Ruth Muthui
Senior Programme Officer, Judiciary and Constitutional Commissions Thematic Area

Mr. Abdirazak Abdi,
Senior Programmes Officer, Land and Environment Thematic Area

Ms. Valerie Nangidi
Senior Programmes Officer, Devolved Government Thematic Area

Lucy Gaithi,
Senior Programme Officer, M&E

Kephas Okach,
Senior Programme Officer, M&E

Mr. Jeremiah Nyakundi
Senior Programme Officer

GAZETTE NOTICE NO. 5684

THE CENTRAL BANK OF KENYA

(Cap. 491)

MONETARY POLICY STATEMENT, DECEMBER 2013

The Principal Objectives of the Central Bank of Kenya

The principal objectives of the Central Bank of Kenya (CBK) as established in the CBK Act are:

- To formulate and implement monetary policy directed to achieving and
- maintaining stability in the general level of prices;
- To foster the liquidity, solvency and proper functioning of a stable, market-based, financial system;
- Subject to (1) and (2) above, to support the economic policy of the Government, including its objectives for growth and employment.

Without prejudice to the generality of the above, the Bank shall:

- Formulate and implement foreign exchange policy;
- Hold and manage Government foreign exchange reserves;
- License and supervise authorised foreign exchange dealers;
- Formulate and implement such policies as best promote the establishment, regulation and supervision of efficient and effective payment, clearing and settlement systems;
- Act as banker and adviser to, and as fiscal agent of, the Government; and Issue currency notes and coins.

The CBK therefore, formulates and conducts monetary policy with the aim of keeping overall inflation within the allowable margin of 2.5 percent on either side of the target (currently 5 percent) prescribed by the National Treasury after the annual Budget Policy Statement. The achievement and maintenance of a low and stable inflation rate together with ensuring adequate liquidity in the market facilitates higher levels of domestic savings and private investment, and leading to improved economic growth, higher real incomes and increased employment opportunities.

The Bank's monetary policy is therefore designed to support the Government's desired growth in the production of goods and services and employment creation through achieving and maintaining a low and stable inflation.

Instruments of Monetary Policy

The CBK pursues its monetary policy objectives through the following instruments:

- **Open Market Operations (OMO)** refers to actions by the CBK through purchases and sales of eligible securities to regulate the money supply and the credit conditions in the economy. OMO can also be used to stabilise short-term interest rates. When the Central Bank buys securities on the open market, it increases the reserves of commercial banks, making it possible for them to expand their loans which increase the money supply. To achieve the desired level of money supply, OMO is conducted using:
 - **Repurchase Agreements (Repos):** Repos entail the sale of eligible securities by the CBK to remove excess liquidity from the market. Currently, Repos (often called *Vertical Repos*) have a fixed tenor of 7 working days. *Reverse Repos* are purchases of securities from commercial banks by the CBK thereby injecting liquidity into the market. The *Late Repo*, sold in the afternoon, has a 4-day tenor and is issued at an interest rate 100 basis points below the Repo on that day.
 - **Term Auction Deposits (TAD):** The TAD is used in exceptional market conditions when the securities held by the CBK for Repo purposes are exhausted or when CBK considers it desirable to offer longer tenor options. The CBK seeks to acquire deposits through a transfer agreement from commercial banks at an auction price but with no exchange of security guarantee. Currently, the deposits are transferred to the CBK for a 14, 21, or 28-day periods after which they revert to the respective commercial banks on maturity of the transfer agreement.
- **Central Bank Rate (CBR):** The CBR is the lowest rate of interest charged on loans to commercial banks by the CBK. The level of the CBR is reviewed and announced by the Monetary Policy Committee (MPC) at least every two months and its movements, both in direction and magnitude, signal the monetary policy stance. In order to enhance clarity and certainty in monetary policy implementation, the CBR is the base for all monetary policy operations. Whenever the Central Bank is injecting liquidity through a Reverse Repo, the CBR is the lowest acceptable rate by law. Likewise whenever the Bank wishes to withdraw liquidity through a Vertical Repo, the CBR is the highest rate that the CBK will pay on any bid received. Movements in the CBR affect short-term interest rates. A reduction of the CBR signals an easing of monetary policy and a desire for market interest rates to move downwards. Lower interest rates encourage economic activities and thus growth. When interest rates decline, the quantity of credit demanded should increase.

The efficiency of the repo and interbank markets is crucial for the transmission of monetary policy decisions. The CBK monitors, but does not intervene, in the overnight interbank money market which is conducted by the banking industry. Short-term international flows of capital are affected by short-term interest rates in the country. These are, in turn, affected by movements in the CBR and hence indirectly, the exchange rate could also be affected.

- **The Cash Reserves Ratio (CRR):** In accordance with the law, the CRR is the proportion of a commercial bank's deposit liability which must be deposited at CBK. These deposits are held in the CRR Account at no interest. The ratio is currently 5.25 percent of the total of bank's domestic and foreign currency deposit liabilities. To facilitate commercial banks' liquidity management, commercial banks are currently required to maintain their CRR based on an average level from the 15th of the previous month to the 14th of the current month and not to fall below a CRR of 3 percent on a daily basis. A reduction in the CRR releases liquidity thus enhancing the capacity of commercial banks to expand credit. An increase in the CRR tightens liquidity and could also dampen demand-driven inflationary pressures.
- **Foreign Exchange Market Operations:** The CBK can also inject or withdraw liquidity from the banking system by engaging in foreign exchange transactions. A sale of foreign exchange to banks withdraws liquidity from the system while the purchase of foreign exchange injects liquidity into the system. Participation by the CBK in the foreign exchange market is usually motivated by the need to acquire foreign exchange to service official debt and build its foreign exchange reserves where the statutory requirement is to use the Bank's best endeavours to maintain foreign reserve cover equivalent to a three year average of four months' import. The CBK does not participate in the foreign exchange market to defend a particular value of the Kenya shilling but may intervene to stabilise excess volatility in the exchange market. The following regulatory measures have been introduced, through Prudential Guidelines of banks, to support stability of the exchange rate:
 - (i) Limiting the tenor of swaps and Kenya Shilling borrowing where offshore banks are involved, to a tenor of not less than one year.
 - (ii) Limiting the tenor of swaps between residents to not less than seven days.
 - (iii) Reduction of the foreign exchange exposure ratio of core capital from 20 percent to 10 percent.
 - (iv) Requiring that local banks obtain supporting documents for all transactions in the Nostro accounts of offshore banks.
 - (v) Suspension of the use of any Electronic Brokerage System by banks.
- **Horizontal Repos:** The CBK monitors but does not intervene in the Horizontal Repos market. These are not strictly monetary policy instruments but modes of improving liquidity distribution under CBK supervision. They are transacted between commercial banks on the basis of signed agreements using government securities as collateral, and have negotiated tenors and yields. Commercial banks, short of deposits at the CBK, borrow from banks with excess deposits on the security of an appropriate asset, normally a government security. Horizontal repos help banks to overcome the problem of limits to lines of credit, thus promoting efficient management of interbank liquidity.
- **Standing Facilities:** The CBK acts the lender of last resort, providing secured loans to commercial banks on an overnight basis at a penal rate that is over the CBR. The rules governing the operation of the CBK Discount Window are reviewed from time to time by the Bank. Currently, banks utilising the CBK Overnight Window are charged the CBR plus a high penalty. Moreover, banks making use of this facility more than twice in a week are scrutinised to establish whether prompt corrective action is required to address any weakness that is not merely temporary.
- **Licensing and Supervision of Financial Institutions:** The Bank uses the licensing and supervision tools to ensure the health and efficiency of the banking system; this includes vetting potential managers for suitability both with respect to qualifications and character.
- **Communication:** The increasing use of communication media ensures a wider dissemination of monetary policy decisions and background data thereby increasing the efficiency of information transmission. The regular interaction between the MPC and the Chief Executive Officers of commercial banks through the Kenya Bankers Association (KBA) has ensured that monetary policy decisions are transmitted to the banking sector. The CBK website is an important source of up-to-date data on all aspects of the financial market including interest rates, exchange rates and results of auctions of government securities.

Legal Status of the Monetary Policy Statement

1. Section 4B (1) of the CBK Act requires the Bank to submit to the Cabinet Secretary for The National Treasury, at intervals of not more than six months, a Monetary Policy Statement for the next twelve months which shall:
 - (i) Specify policies and the means by which the Bank intends to achieve its policy targets;
 - (ii) State reasons for adopting such monetary policies and means; and
 - (iii) Contain a review and assessment of the progress made in the implementation of monetary policy by the Bank during the period to which the preceding Monetary Policy Statement relates.

2. The Cabinet Secretary shall - by the law under subsection (1) - lay every Statement submitted under subsection (1) before the appropriate committee of the National Assembly not later than the end of the subsequent session of Parliament after the Statement is so submitted.
- 3a. The Bank shall publish in the Kenya Gazette:
 - (i) Its Monetary Policy Statement; and
 - (ii) Its Monthly Balance Sheet.
- 3b. The Bank is further required to disseminate key financial data and information on monetary policy to the public.
4. In subsection (2), the expression "appropriate committee" means the committee of the National Assembly appointed to investigate and inquire into matters relating to monetary policy.

Executive Summary

This Monetary Policy Statement reviews the outcome of the monetary policy stance adopted in the period July to December 2013. It also provides the policy path for the period January to June 2014.

The monetary policy stance adopted by the Monetary Policy Committee (MPC) in the first half of the Fiscal Year 2013/14 sustained inflation rate within the target bounds set by the Government except in September and October 2013. A notable rise in food prices in September 2013 due to seasonal factors as well as some traders imposing Value Added Tax (VAT) on non VAT-able food items drove overall inflation to 8.39 percent, which was above the upper target bound. However, overall inflation declined gradually to within the target bounds to 7.15 percent in December 2013. This reflected the impact of monetary policy measures adopted as well as the move by the Government to ensure the correct application of the new VAT law. The 12-month non-food-non-fuel inflation, which measures the impact of monetary policy, remained stable within the target bounds during the period indicating that there was a relatively low consumer demand pressure in the economy.

The exchange rate stability was sustained during the first half of the Fiscal Year 2013/14. This was supported by resilient inflows of diaspora remittances, liquidity management, increased foreign investor participation in equities at the Nairobi Securities Exchange, and confidence in the market following a build-up of the Central Bank of Kenya (CBK) official foreign exchange reserves. Exchange rate stability during the period moderated the threat of imported inflation. The CBK foreign exchange reserves remained above the statutory requirement of an equivalent of 4 months of import cover thereby providing a cushion to the foreign exchange market against external shocks during the period. The improvement in the 12-month cumulative current account deficit (as a percentage of GDP) from 10.45 percent in 2012 to an estimated level of 8.2 percent in 2013 also supported stability of the exchange rate. The planned augmentation of foreign exchange reserves towards meeting the East African Community Convergence Criteria will further bolster the country's foreign exchange reserves and support exchange rate stability. The movements in short-term rates were generally aligned to the Central Bank Rate (CBR) while Open Market Operations were sustained to support liquidity management during the period. Looking forward, the visit by the Managing Director of the International Monetary Fund (IMF) in January 2014 endorsed the country's track record of prudent macroeconomic policy and management and provided a positive signal to potential investors.

The monetary policy stance adopted by the MPC during the period anchored inflationary expectations and sustained the desired objective of price stability. The CBR was retained at 8.50 percent through-out the period so as to provide time for the full impact of the monetary policy path to be felt throughout the economy while at the same time supporting economic activity through non-inflationary credit growth. The policy stance in the second half of the Fiscal Year 2013/14 will be aimed at maintaining the overall month-on-month inflation rate within the current allowable margin of 2.5 percent on either side of the Government's medium-term target of 5 percent. The Bank will also continue building its foreign exchange reserves in line with monetary policy objective and prudent management policies. The coordination between monetary and fiscal policies has continued to support the sustainability of the country's public debt.

During the second half of the Fiscal Year 2013/14, monetary policy will seek to constrain the annual growth in broad money supply, M3, to 15.7 percent by March 2014 and 16.1 percent by June 2014. The Net Domestic Assets (NDA) of the Bank is projected at Ksh -81.5 billion in March 2014 and Ksh-128.0 billion in June 2014. However, the annual growth in credit to the private sector is projected at 17.3 percent in March 2014 and 19.3 percent in June 2014. The Net International Reserves (NIR) targets of the CBK are projected at USD 5,018 million in March 2014 and USD 5,682 million in June 2014. The monetary policy stance will aim at ensuring that movements in the short-term interest rates are supportive to the Bank's primary objective of price stability.

The CBK remains vigilant to risks posed by developments in the global and domestic economies and will take appropriate actions to maintain price stability. In this regard, the growth of the global economy was projected to pick up in 2014 but the recovery was expected to be modest and uneven. In addition, the normalisation of financial conditions in advanced countries particularly through the gradual reduction of the United States liquidity injections could also create some volatility in the financial markets in emerging market economies (as relative inflation and interest rates reach new levels) which are more integrated with the global economy. These developments, coupled with the instability in the Middle East and North Africa (MENA) and the likely impact of the emerging drought conditions in some parts of the country that could exert pressure on food prices, remain the main risks to macroeconomic outlook.

The Bank will also continue its regular interactions with stakeholders in the financial and real sectors to obtain feedback, and ensure the timely release of relevant monetary and financial data. This is expected to enhance the transmission of monetary policy signals to the real sector as well as to coordinate market expectations.

1. Introduction

This Monetary Policy Statement (MPS) presents the policy guidelines and broad targets for the CBK over the period January to June 2014. It also presents the policy outcomes in the period July to December 2013.

During the first half of the Fiscal Year 2013/14, the monetary policy stance adopted by the MPC contributed to the stable inflation and stability in the exchange rate. Notably, the new VAT measures implemented by the Government in September 2013 had a one-off impact on the price level while inflationary expectations did not change relative to the pre-VAT Act period. The exchange rate stability continued to anchor inflationary expectations as it dampened the threat of imported inflation. Resilient inflows of diaspora remittances, the Central Bank liquidity management, and increased foreign investor participation in equities at the Nairobi Securities Exchange have enhanced confidence in the market. In addition, the improvement in the 12-month cumulative current account deficit (as a percentage of GDP) supported confidence in the exchange rate.

The gradual easing of the monetary policy stance during the first half of the Fiscal Year 2013/14 and improved investor confidence in the economy after the March 2013 elections resulted in the pick-up in growth of credit to the private sector channelled to the main sectors of the economy. However, although the growth of the global economy was projected to recover in 2014, this recovery was projected to be modest and uneven. The expected normalisation of financial conditions in advanced countries particularly through the gradual reduction of the United States liquidity injections could also create some volatility in the financial markets in emerging market economies (as relative inflation and interest rates reach new levels) that are more integrated with the global economy. The likely impact of the projected dry spell in the country on food prices and continued instability in the MENA also pose risks to macroeconomic outlook.

Monetary policy formulation and implementation continues to be guided by the Government's Budget Policy Statements while CBK targets for Net Domestic Assets (NDA) and Net International Reserves (NIR) are the operational parameters. The Bank also continues to monitor targets for key

monetary aggregates such as broad money supply, M3, and credit to the private sector. The Bank's participation in the foreign exchange market will continue to be guided by the need to accumulate and maintain foreign exchange reserves at /or above the level of four months of import cover as well as purchasing foreign exchange to meet the Government's external obligations, and ensuring stability of the value of the Kenya shilling.

The rest of this Policy Statement is organised as follows. Section 2 reviews the outcome of the monetary policy stance proposed in the June 2013 MPS while Section 3 outlines the current economic environment and outlook for the period January to June 2014. Section 4 concludes by outlining the specific monetary policy stance for the period January to June 2014.

Actions and Outcomes of Policy Proposals in the June 2013 Monetary Policy Statement

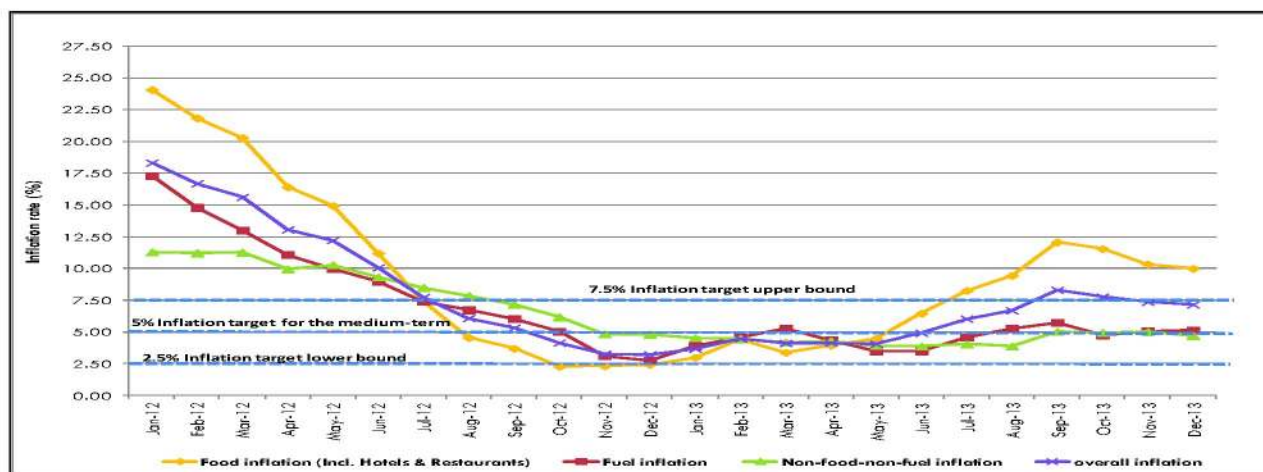
The overall aim of the Monetary Policy Statement for June 2013 (32nd MPS) was to set monetary policy targets that would ensure low and stable inflation, encourage growth, support long-term sustainability of public debt through stable interest rates and, by enhancing financial access within the economy, contribute to lowering the cost of doing business in Kenya. The MPC meetings were held on a bi-monthly basis during the first half of the Fiscal Year 2013/14 during which macroeconomic stability was sustained. The following are the specific outcomes of the policy proposals in the 32nd MPS:

(a) Inflation

Price stability remained the primary objective of monetary policy formulation and implementation. During the first half of the Fiscal Year 2013/14, the 12-month overall inflation was sustained within the allowable margin of 2.5 percent on either side of the Government's medium-term target of 5 percent except in September and October 2013 (Chart 1). This was attributed to a notable rise in food prices arising from seasonal factors as well as some traders imposing VAT on non VAT-able food items. These drove overall inflation to 8.39 percent, which was above the upper target bound. However, overall inflation declined gradually to lie within the target bounds at 7.15 percent in December 2013 as the Government moved to ensure the correct application of the new VAT law.

The 12-month non-food-non-fuel inflation, which measures the impact of monetary policy, stabilised around 5 percent inflation target during the period indicating relatively low consumer demand pressures in the economy.

Chart 1: Trends in Inflation (CPI base February 2009=100)



Source: Kenya National Bureau of Statistics and CBK

(i) Credit to Private Sector

Private sector credit growth picked-up during the first half of the Fiscal Year 2013/14 in response to the gradual easing of the monetary policy stance, pick-up in economic activity and, improved investor confidence in the economy after the March 2013 elections (Chart 2). The MPC reduced the Central Bank Rate (CBR) from 9.50 percent to 8.50 percent in May 2013 and retained it at this level in the rest of 2013. Consequently, the annual growth in the overall private sector credit rose from 12.69 percent in June 2013 to 20.08 percent in December 2013 which was largely consistent with the projected growth path. This expansion in private sector credit was non-inflationary as the 12-month non-food-non-fuel inflation stabilised at around 5 percent inflation target during the period.

Chart 2: Annual Growth in Private Sector Credit (%)



Source: Central Bank of Kenya

ii. Monetary Programme

The CBK met the monetary programme targets during the first half of the Fiscal Year 2013/14 (Table 1). This was consistent with the outcome on inflation. The CBK conducted monetary policy based on the monetary aggregate targeting framework in order to achieve its price stability target. The targets pursued under the framework were consistent with those for the ceiling on the NDA and the floor on the NIR in the ECF programme, which was successfully concluded in December 2013.

Table 1: Actual and Targeted Growth in Key Monetary Aggregates

	Jun-13	Jul-13	Aug-13	Sep-13	Oct-13	Nov-13	Dec-13
Actual Broad Money M3 (Ksh Billion)	1,820.9	1,835.8	1,850.0	1,862.0	1,879.1	1,919.5	1,957.5
Target Broad Money M3 (Ksh Billion)	1,846.1	1,866.6	1,887.0	1,907.4	1,927.8	1,948.2	1,968.8
Actual Reserve Money (Ksh Billion)	287.4	284.0	309.8	290.3	307.2	316.8	320.8
Target Reserve Money (Ksh Billion)	282.6	286.0	286.8	288.5	294.0	297.5	304.3
Actual Net Foreign Assets of CBK (Ksh Billion)	402.1	411.0	408.7	417.3	403.7	421.2	432.0
Targets for Net Foreign Assets of CBK (Ksh Billion)	338.1	343.6	348.4	353.3	358.8	364.1	369.3
Actual Net Domestic Assets of CBK (Ksh Billion)	-114.7	-127.0	-98.9	-126.9	-96.5	-104.4	-111.2
Target Net Domestic Assets of CBK (Ksh Billion)	-55.5	-57.5	-61.6	-64.8	-64.8	-66.6	-65.0
Actual Credit to private sector (Ksh Billion)	1,367.2	1,389.5	1,427.8	1,452.6	1,480.5	1,519.3	1,541.7
Target Credit to private sector (Ksh Billion)	1,400.8	1,426.1	1,442.5	1,443.8	1,461.0	1,473.0	1,488.6
Memorandum Items							
12-month growth in actual RM (Percent)	11.7	10.3	23.8	12.1	22.7	13.3	9.2
12-month growth in actual M3 (Percent)	14.2	13.8	12.9	11.4	10.3	10.3	13.3
12-month growth in actual credit to private sector (Percent)	12.7	13.5	16.2	17.4	18.0	20.0	20.1

Source: Central Bank of Kenya

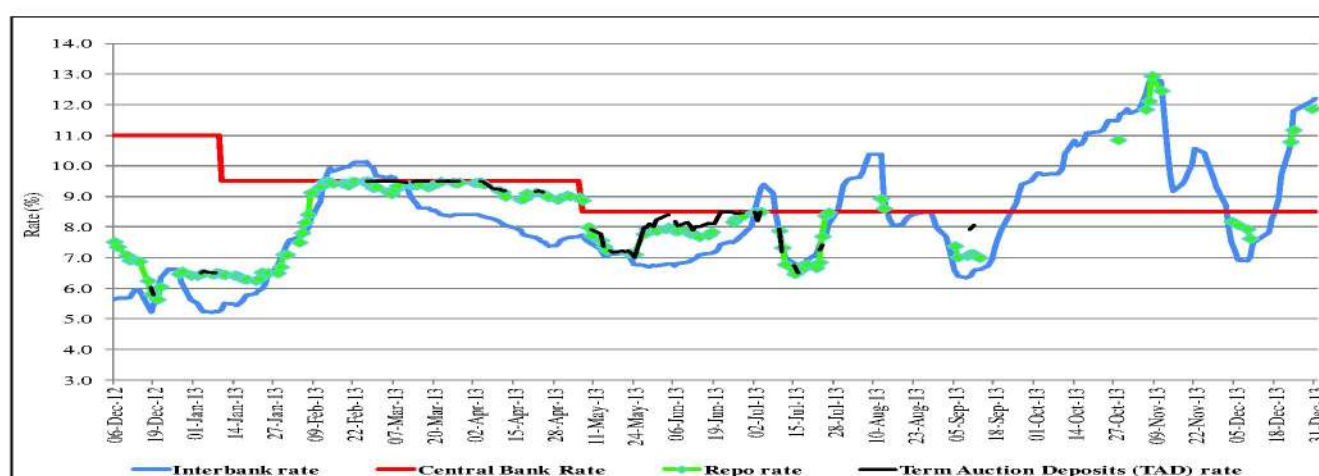
During the first half of the Fiscal Year 2013/14, the velocity of money remained fairly stable at about 2.0. However, the money multiplier remained unstable and fluctuated between 6.0 and 6.5 during the period which reflected changes in excess reserve holdings and cash in till of banks. The predictability of money demand has continued to be affected by an unstable money multiplier and the long-term decline in the velocity of money in circulation. Notably, financial innovations which have affected the velocity of money and money multiplier have changed the design and conduct of monetary policy.

The CBK continued to implement measures aimed at improving the efficiency of the banking sector as well as financial inclusion in order to enhance the monetary policy transmission mechanism. This is borne out by the 2013 Financial Access Survey which shows that access to financial services in Kenya has increased and now stands amongst the highest in Africa. Specifically, the proportion of the adult population using formal financial services increased from 41.3 percent in 2009 to 66.7 percent in 2013. The commercial banks' branch network increased from 1,280 in March 2013 to 1,313 in September 2013 while the number of ATMs increased from 2,439 in June 2013 to 2,487 in December 2013. The increase in the number of ATMs was distributed across all the counties in the country. Similarly, the Agency Banking model continued to expand with the number of Agents standing at 23,477 by December 2013 while the number of transactions was 81.3 million valued at Ksh 431.9 billion which is a notable increase from June 2013 when the number of Agents stood at 19,649 while the value of transactions stood at Ksh 310.5 billion. In addition, a total of 13 commercial banks had been licensed by the CBK to undertake Agency transactions by December 2013.

(iii) Interest Rates and Liquidity

The movements in short-term rates were generally aligned to the CBR during the first half of the Fiscal Year 2013/14 while Open Market Operations (OMO) were sustained to support liquidity management (Chart 3). The targeted OMO interventions were also successful in reversing adverse trends in the interbank rate. The CBR was retained at 8.50 percent during the period sustaining the impact of the previous monetary policy actions throughout the economy. However, liquidity conditions in the money market were relatively tight during the period. In July 2013, liquidity tightened owing to accumulation of Government deposits at the CBK as the payments structures for the newly constituted Government including Counties was being set up. The resultant pressure on interbank rates were moderated by the CBK redeeming outstanding Repo securities held by commercial banks and providing Reverse Repos to reverse the trend in mid-August 2013. In addition, the challenges of absorption of devolved funds since September 2013 and redistribution of liquidity across banks exerted upward pressures on the interbank rate. The engagement of stakeholders in the banking sector has continued in an effort to enhance the use of Horizontal Repos for redistributing liquidity.

Chart 3: Trends in Short Term Interest Rates (%)



Source: Central Bank of Kenya

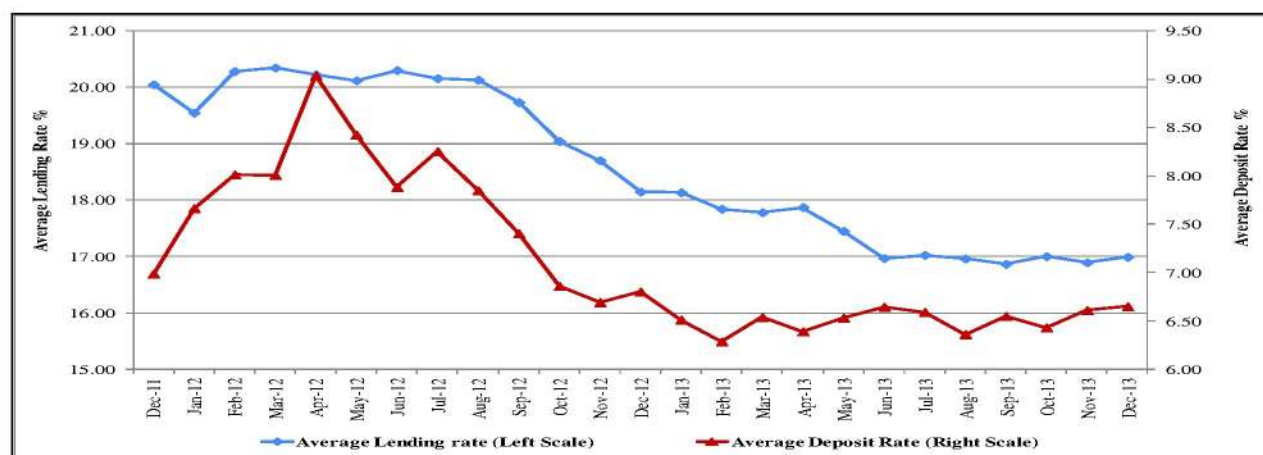
Consistent with the monetary policy stance adopted during the period, average ex-ante commercial banks' lending rate declined from 17.67 percent in the first half of 2013 to 16.95 percent in the second half of 2013 (Chart 4). However, the average ex-ante deposit rate increased from 6.48 percent

to 6.53 percent during the period. Consequently, the average ex-ante interest rate spread declined slightly from 11.19 percent to 10.42 percent in the period.

The CBK continues to work with the Kenya Bankers Association (KBA) to implement initiatives aimed at reducing the cost of doing business in the banking sector. In this regard, commercial banks have been allowed to use mobile phone financial platforms that leverage on technology development to reduce transaction costs. The cheque truncation to T+1 has ensured that cheques are cleared within one day of delivery of the cheque to the bank. On the other hand, the adoption of the Agency Banking framework, and operationalisation of Credit Reference Bureaus which have reduced the costs of information search and risk profiling process. The second phase of the Kenya Credit Information Sharing Initiative (CIS) is underway and is aimed at achieving full file information sharing in Kenya's banking sector by 2015. The scope of the CIS mechanism is also gradually being widened to allow non-bank institutions to participate in the CIS mechanism. In addition, revised regulations allowing for sharing of positive and negative credit information by banks and deposit taking microfinance institutions were gazetted in January 2014. Lastly, the opening of Currency Centres across the country has reduced costs associated with transporting cash.

The MPC has also continued to engage the Chief Executive Officers of commercial banks through the KBA on various issues through the bi-monthly forums. This has facilitated moral suasion and provided a regular feedback mechanism based on a dialogue initiated through the MPC's Market Perception Survey.

Chart 4: Trends in Commercial Bank Interest Rates (%)



Source: Central Bank of Kenya

(b) Exchange Rates and Foreign Exchange Reserve Developments

(i) Exchange Rate Developments

The foreign exchange market remained generally stable during the first half of the Fiscal Year 2013/14 reflecting the impact of monetary policy measures in place (Chart 5a). Exchange rate stability during the period was supported by resilient inflows of diaspora remittances that averaged USD 111.1 million per month, disbursement of the last tranche of USD 110.2 million under the ECF programme in December 2013, and increased purchases of equity by foreigners at the Nairobi Securities Exchange. In addition, the Central Bank liquidity management and confidence by the market following a build-up in CBK foreign exchange reserves also supported the Kenya Shilling during the period. Commercial banks also sold foreign exchange to CBK in the first half of the Fiscal Year 2013/14 which fully compensated for the policy related foreign exchange sales in the period.

An analysis of exchange rates in the region showed that the Kenya Shilling remained generally stable against the currencies of the major East African Community countries but continued to strengthen against the South African Rand during the period (Chart 5b). The Rand continued to weaken against the US Dollar reflecting the strong trade links between South Africa and the turbulent Eurozone as well as the impact of capital outflows with the gradual recovery of the US economy boosting speculation for a cutback of the quantitative easing programme.

Chart 5a: Trends in the Kenya Shilling Exchange Rate against Major Currencies

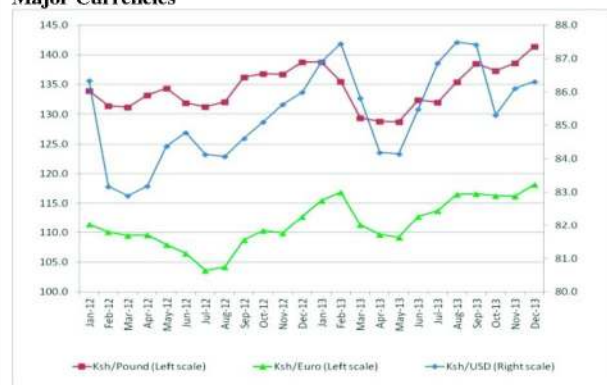
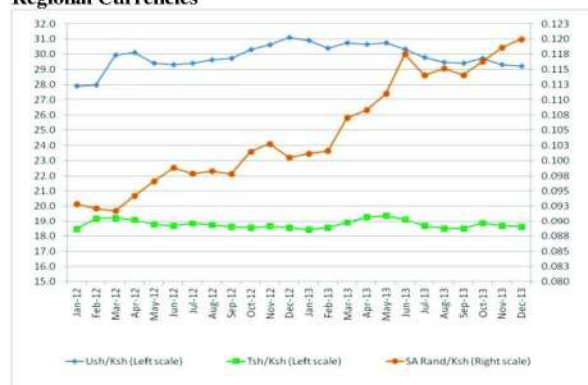


Chart 5b: Trends in the Kenya Shilling Exchange Rate against Regional Currencies

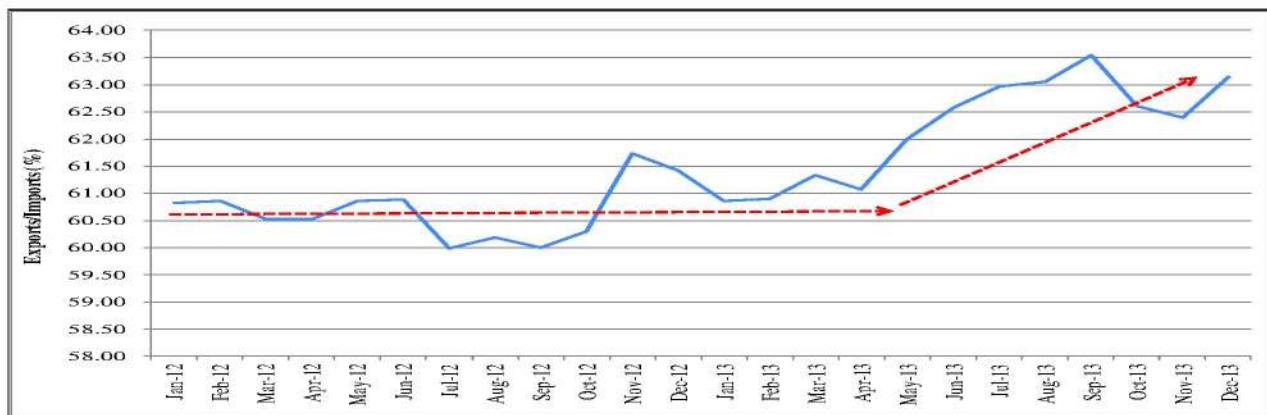


Source: Central Bank of Kenya

The improvement in the 12-month cumulative current account deficit (as a percentage of GDP) from 10.45 percent in 2012 to an estimated level of 8.2 percent in 2013 also supported stability of the exchange rate. The CBK is working with the Kenya National Bureau of Statistics to enhance the quality of the balance of payments data. This will capture some sectors which are currently under-reported or omitted. Nevertheless, the improvement

in current account is attributed to normalisation of the import bill after the large amount of imports of equipment for infrastructure development and improvement in net receipts from services. As a result, the proportion of imports of goods and services financed by exports of goods and services increased slightly to an estimated 63.1 percent in 2013 from 61.4 percent in 2012 (Chart 5c). Nonetheless, imports of machinery and other equipment continued to account for a higher proportion of the import bill at about 26.5 percent in 2013. These are essential for enhancing future productive capacity of the economy.

Chart 5c: 12-Month Cumulative Exports/12-Month Cumulative Imports (%)

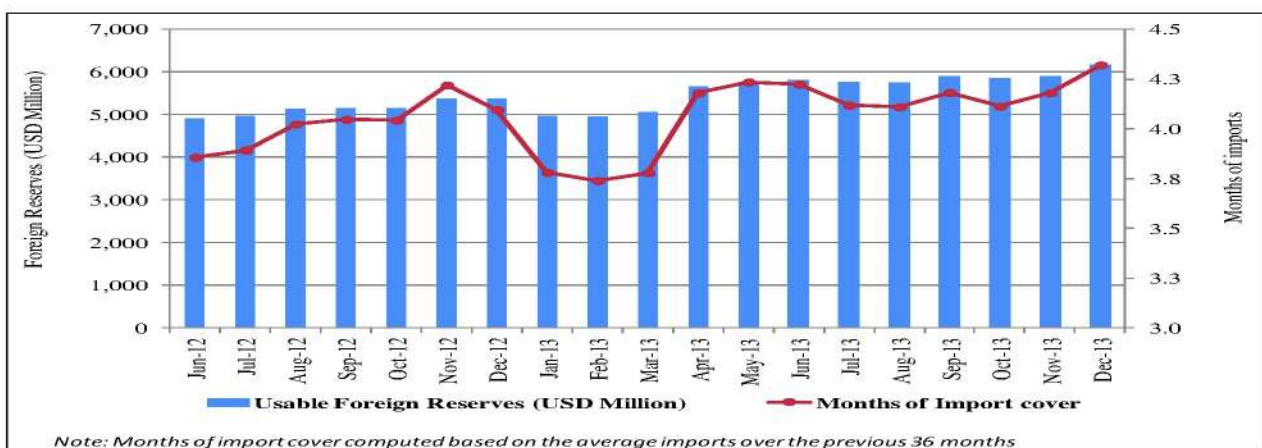


Source: Central Bank of Kenya and Kenya National Bureau of Statistics

(ii) Foreign Exchange Reserves

The CBK increased its level of usable foreign exchange reserves from USD 5,810.59 million (equivalent to 4.22 months of import cover) at the end of June 2013 to USD 6,164.94 million (equivalent to 4.32 months of import cover) at the end of December 2013 (Chart 6). This is a significant improvement from the first three months of 2013 where reserves were below the 4 months of import cover. The build-up in foreign exchange reserves during the period was largely attributed to the disbursement of USD110.2 million by the International Monetary Fund (IMF) in December 2013 following the successful completion of the Extended Credit Facility (ECF) Program, and commercial banks selling foreign exchange to the CBK. This level of foreign exchange reserves is above the minimum requirement of four months of import cover. The CBK purchased foreign exchange totalling USD 430.0 million against sales of USD 63.0 million in the first half of the Fiscal Year 2013/14. The build-up in reserves provided a cushion to the foreign exchange market against external shocks experienced during the period.

Chart 6: CBK Usable Foreign Exchange Reserves



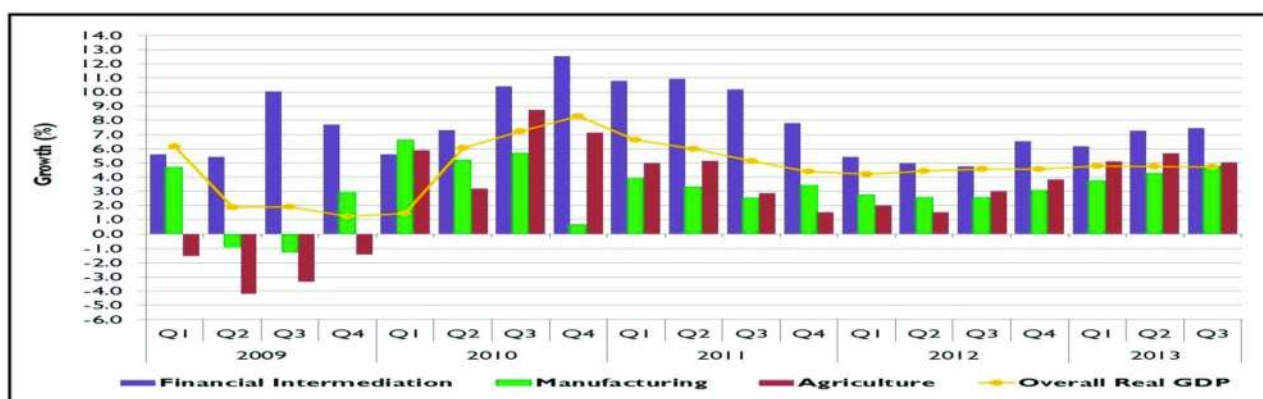
Note: The CBK usable foreign exchange reserves refer to reserves available for use without any restrictions held by the Central Bank. They exclude reserves held by CBK on behalf of the Government or commercial banks.

Source: Central Bank of Kenya

(c) Economic Growth

Data from the Kenya National Bureau of Statistics shows that the economy registered a growth rate of 4.4 percent in the third quarter of 2013 compared with 4.5 percent in a similar period in 2012 (Chart 7). The performance of the economy in the third quarter was supported by a stable macroeconomic environment characterised by stability in inflation and the exchange rate. It was driven significantly by a strong performance of the financial intermediation sector which grew by 7.2 percent on a quarter to quarter basis. Financial sector growth has consistently outpaced the overall 12 month real GDP growth since 2009. It was also driven by the manufacturing sector which grew at 4.6 percent, construction which grew at 13.3 percent and transport and communication sector which grew at 5.3 percent. Agricultural sector growth slowed down to 3.4 percent. Growth in the 2013 was affected by a sluggish recovery of the global economy.

Chart 7: 12-Month Sectoral and Overall Real GDP growth rates (%)



Source: Kenya National Bureau of Statistics

(d) Fiscal Developments and Debt

The fiscal measures implemented by the Government in the first half of Fiscal Year 2013/14 were consistent with the monetary policy objectives. The Government domestic borrowing plan ensured that Government borrowing did not crowd-out private sector credit growth through an increase in interest rates on Government securities. The borrowing plan was also consistent with the thresholds set in the Medium-Term Debt Management Strategy for domestic debt.

(e) Stakeholder Forums, MPC Market Perception Surveys, and Communication

During the first half of the Fiscal Year 2013/14, the MPC continued to hold bi-monthly stakeholder forums with Chief Executive Officers of commercial banks through the KBA Governing Council to obtain feedback. The MPC also continued to improve on the information gathering processes through the bi-monthly market Perception Surveys and communication with key stakeholders. The Committee worked with CBK staff to complete various research studies during the period which are being reviewed before they are considered for uploading on the CBK Website. It also initiated research papers that were targeted at providing insights in topical areas relevant for the formulation and implementation of monetary policy. The MPC has also been working with the CBK to develop articles on topical issues which were uploaded on the CBK website. It also continued to improve on its Press Releases by enhancing their clarity and making them better focused to the public, media, financial sector and other stakeholders. MPC members participated in various conferences locally during the period as part of enhancing its capacity. The conferences enabled MPC members to share their experiences with other policy experts on critical challenges underlying monetary policy effectiveness in developing countries under different monetary policy frameworks and facing different macroeconomic shocks. They also held regular meetings with visiting potential investors.

3. The Current Economic Environment and Outlook for January to June 2014**(a) International Economic Environment**

The global economy is projected to improve from an estimated growth of 3.0 percent in 2013 to 3.7 percent in 2014 largely on account of recovery in the advanced economies (Table 2). The Eurozone is projected to recover from recession and at 1 percent in 2014 although the growth is expected to be uneven. The United States is expected to grow by 2.8 percent in 2014 up from an estimated 1.9 percent in 2013. The recovery in Europe and the United States is expected to boost tourism and horticultural exports in Kenya. The Sub-Saharan Africa and East African Countries (excluding Kenya) are projected to grow at 6.1 percent and 6.5 percent, respectively, in 2014. Given that over 40 percent of Kenya's exports are to the East African region, the strong growth projection for the region is expected to continue to benefit Kenya's export sector.

Although the growth of the global economy is projected to pick-up in 2014, the recovery is expected to be modest and uneven. Similarly, the projected slowdown in the growth of some emerging market economies, such as China, that are more integrated with the global economy, coupled with normalisation of financial conditions in advanced countries could create some volatility in the financial markets. The instability in the MENA region also continues to pose risks to macroeconomic outlook.

Global inflation is projected to stabilise at 3.8 percent in 2014 as the output is generally below potential especially in some of the advanced countries. This provides monetary policy space for the countries to support growth and employment.

Table 2: Performance and Outlook for the Global Economy

	Real GDP Growth (%)			Inflation (%)		
	2012 Act.	2013 Est.	2014 Proj.	2012 Act.	2013 Est.	2014 Proj.
World	3.1	3.0	3.7	4.0	3.8	3.8
Advanced Economies	1.4	1.3	2.2	2.0	1.4	1.7
United States	2.8	1.9	2.8	2.1	1.4	1.5
Japan	1.4	1.7	1.7	0.0	0.0	2.9
Euro Area	-0.7	-0.4	1.0	2.5	1.5	1.5
United Kingdom	0.3	1.7	2.4	2.8	2.7	2.3
Other Advanced economies	1.9	2.2	3.0	2.0	1.5	2.1
Emerging and developing economies	4.9	4.7	5.1	6.0	6.1	5.6
Sub-Saharan Africa	4.8	5.1	6.1	9.0	6.9	6.3
East African Community (Excl. Kenya)	5.4	6.1	6.5	12.0	7.3	5.8
Developing Asia	6.4	6.5	6.7	4.7	5.0	4.7
China	7.7	7.7	7.5	2.7	2.7	3.0
India	3.2	4.4	5.4	10.4	10.9	8.9
Middle East and North Africa	4.1	2.4	3.3	10.7	11.7	10.0

IMF World Economic Outlook (January 2014 and October 2013)

(b) Domestic Economic Environment

(i) Economic Growth

The Medium-Term Government Budget Policy Statement for 2014 projects real GDP to grow by 5.8 percent in 2014 up from an estimated growth of about 5.0 percent in 2013. The growth outlook is expected to be supported by: agriculture reforms, irrigation and value addition in agriculture; continued investment in infrastructure especially roads, energy, ports and construction of a Standard Gauge Railway; structural reforms, improving investment climate including security; continued investment in the social sectors of education, health and social protection; maintaining a stable macroeconomic environment; other initiatives geared towards export promotion including expansion of regional markets, Special Export Zones and commodity exchanges.

The MPC Market Perceptions Survey conducted in December 2013 showed increased optimism by private sector firms (including banks) for a strong growth in 2014 attributed to: increased Government of Kenya investment in infrastructure and agriculture; increase in business confidence and optimism for the economy; expected increase in foreign direct investment in infrastructure and energy sectors; political stability; the stable macroeconomic environment; pick-up in economic activity; pickup in the global economy; increase in private sector credit growth; increased regional trade; discovery of natural resources such as oil; operational structures of the devolved Government will be firmed up and this will spur growth in the counties. However, insecurity and slow recovery of the global economy were cited as the main risks to the growth outlook.

(ii) Foreign Exchange Market

The exchange rate is expected to remain stable in the remainder of the Fiscal Year 2013/14. Central Bank liquidity management coupled with the resilient diaspora remittance inflows, expectations for increased foreign direct investment in infrastructure and improved investor confidence in the economy support a stable outlook for the exchange rate. In addition, the projected robust growth of Sub-Saharan Africa economies in 2014 which is expected to increase foreign exchange inflows from regional trade coupled with the commitment to the East African Community Convergence Criteria will bolster the country's foreign exchange reserves and support exchange rate stability. The MPC Market Survey for December 2013 corroborated this evidence of an expected stability in the exchange rate in the second half of the Fiscal Year 2013/14. However, the expected normalisation of financial conditions in advanced countries in particular the gradual reduction of the United States liquidity injections could create some volatility in the financial markets in emerging market economies (as relative inflation and interest rates reach new levels) which are more integrated with the global economy.

(iii) Inflation

Overall inflation is expected to remain stable in the remainder of the Fiscal Year 2013/14 on account of the monetary policy measures that have been put in place by the CBK, general stability in the exchange rate, implementation of food security measures as proposed in the Fiscal Year 2013/14 Government Budget and lower energy prices. This inflation outlook is corroborated by the results of the December 2013 MPC Survey. However, the main risks to the inflation outlook include: the emerging drought conditions in some parts of the country which could exert pressure on food prices, likely increase in demand pressure in the economy with pick-up in economic activity, and volatile world oil prices.

(iv) Interest Rates

Interest rates are expected to remain stable in the second half of the Fiscal Year 2013/14 on account of the monetary policy measures in place, the decline in demand pressure since the Government borrowing programme is on target, and the expected improvement in liquidity conditions in the market as challenges of redistribution of liquidity across banks and absorption of devolved funds are resolved. Sustained OMO by the CBK will also ensure stability of the interbank market interest rates around the CBR. The MPC Market Perceptions Survey for December 2013 showed that lending rates were expected to decline gradually following the decline in inflation and inflation expectations and the monetary policy measures in place. The main risk to the outlook on interest rates is the international economic developments or supply side factors which could prompt additional measures by CBK to alleviate any adverse expectations with respect to inflation and/or exchange rate movements.

(v) Fiscal Policy

The fiscal measures announced by the Government during the Budget Statement for the Fiscal Year 2013/14 are consistent with monetary policy objectives. The realisation of Government's domestic borrowing target of Ksh.106.7 billion for the Fiscal Year 2013/14 is on schedule and should ensure that domestic borrowing in the Fiscal Year does not exert pressure on interest rates of Government securities while allowing for lengthening of the maturity of Government domestic debt. In addition, the borrowing plan should ensure that domestic debt remains within the thresholds set in the Medium Term Debt Management Strategy.

(vi) Confidence in the Economy

Various indicators show that confidence in the economy remains strong (Table 3). In addition, the NSE-20 index remained buoyant in the first half of the Fiscal Year 2013/14 with increased foreign participation on average. Furthermore, the NSE was ranked among the top performing stock markets in Africa in 2013. Diaspora remittances have remained resilient, averaging USD 111.1 million per month between July and December 2013. The ratio of non-performing loans (NPLs) to total loans, which measures credit risk, declined from 5.3 percent to 5.0 percent during the period. However, the CBK has continued to monitor the level of NPLs. In addition, the MPC Market Survey undertaken in December 2013 showed increased confidence in the economy with expectations for enhanced foreign direct investment in the country.

Table 3: Indicators of Declining Risk and Confidence in the Economy

	Jun-13	Jul-13	Aug-13	Sep-13	Oct-13	Nov-13	Dec-13
Monthly Emigrant Remittances (USD Million)	99.81	112.83	107.05	106.96	112.91	113.42	113.22
NSE Index (Jan 1966 = 100)	4598.16	4787.56	4697.75	4793.20	4992.88	5100.88	4926.97
Net foreign purchases of equity at the NSE (Ksh Million)	2602.00	1625.00	9838.39	2063.00	2723.00	884.00	-690.00
Non-performing loans/Gross loans (%)	5.31	5.36	5.30	5.24	5.34	5.12	5.02

Source: Central Bank of Kenya and Nairobi Securities Exchange (NSE)

4. Future Direction of Monetary Policy (January – June 2014)

Monetary policy in the second half of the Fiscal Year 2013/14 will focus on: setting monetary targets which are consistent with the objective of achieving and maintaining a low and stable inflation, encouraging growth, and supporting the long-term sustainability of public debt; and, enhancing access to banking services in order to improve the monetary policy transmission to the benefit of economic growth.

(a) Monetary Programme and Foreign Exchange Reserves

The monetary targets for the second half of the Fiscal Year 2013/14 are based on the indicators in the Medium-Term Government Budget Policy Statement for 2013/14 summarised in Annex 1. The monetary targets for the period are presented in Table 4. Monetary policy will seek to constrain the annual growth in broad money supply, M3, to 15.7 percent by March 2014 and 16.1 percent by June 2014. The NDA of the Bank is projected at Ksh -81.5 billion in March 2014 and Ksh-128.0 billion in June 2014. The NDA targets are below a ceiling which could threaten stability and is the same indicator which was monitored under the ECF supported monetary programme that ended in December 2013. However, the annual growth in credit to the private sector is projected at 17.3 percent in March 2014, and 19.3 percent in June 2014. The NIR targets of the CBK are USD 5,018 million in March 2014 and USD 5,682 million in June 2014. The NIR targets are above a floor which would threaten stability.

The monetary policy stance will aim at ensuring that movements in the short-term interest rates are supportive to the Bank's primary objective of price stability. The projected path on NDA and NIR targets through June 2014 incorporates the accumulation of foreign reserves foreseen by the attainment of the East African Community Convergence Criteria remainder of the Fiscal Year 2013/14 and the liquidity management to ensure stability of the interbank market.

These monetary targets are expected to enable the Bank maintain overall inflation within the current allowable margin of 2.5 percent on either side of the Government's medium-term target of 5 percent in order to anchor inflation expectations. The CBK will also continue to build its foreign exchange reserves in order to enhance the country's capacity to absorb shocks that impact the foreign exchange market. The monetary policy stance will aim at ensuring that short-term interest rates remain stable which will support growth and ensure the long-term sustainability of public debt. The Bank will also continue to enhance the effectiveness of its monetary policy instruments with regard to speed and magnitude of impact.

Table 4: Monetary Targets for January to June 2014

	Jan-14	Feb-14	Mar-14	Apr-14	May-14	Jun-14
Broad Money, M3 (Ksh Billion)	1,975.4	2,002.9	2,030.5	2,058.7	2,086.2	2,114.1
Reserve Money, RM (Ksh Billion)	322.2	321.8	323.0	334.2	329.8	331.5
Credit to Private Sector (Ksh Billion)	1,499.1	1,506.9	1,544.0	1,589.2	1,599.7	1,631.7
NFA of CBK (Ksh Billion)	412.6	408.6	404.5	467.2	463.6	459.5
NDA of CBK (Ksh Billion)	-90.5	-86.7	-81.5	-132.9	-133.8	-128.0
12-month growth in RM (Percent)	17.6	12.1	12.3	24.8	17.0	15.3
12-month growth in M3 (Percent)	14.2	14.6	15.7	14.2	14.4	16.1
12-month growth in Credit to Private Sector (Percent)	15.5	15.3	17.3	19.7	19.5	19.3
12-month growth in Real GDP (Percent)						5.9
Medium-Term 12-month overall Inflation (Percent) Target	5.0	5.0	5.0	5.0	5.0	5.0

Source: Central Bank of Kenya and the Treasury

The Bank will continue to monitor developments with respect to the Monetary Targets and make any necessary reviews. The achievement of the targets set will depend on stability in the international prices of oil, favourable weather conditions, and continued commitment by the Government to operate within the domestic borrowing target for the remainder of the Fiscal Year 2013/14. Monetary policy implementation will be based on monthly targets for NDA, RM and broad money supply, M3, to be achieved through Open Market Operations. The Repos and Term Auction Deposits will be used to withdraw any excess liquidity in the banking system on a timely basis and where necessary Reverse Repos will be used to inject liquidity. Specifically, OMO will be used to ensure that short-term interest rates continue to be aligned to the CBR.

The success of CBK's monetary policy measures to fight inflation will also depend on the effectiveness of the institutions charged with the responsibility of managing the supply side of economy that would have a direct impact on food and fuel prices.

(b) Measures to Extend Access to Financial Services and Enhance Market Efficiency

The CBK will continue to support development of new products and innovations towards enhancing financial access in order to encourage economic growth. In this regard it will continue to propose suitable legislation aimed at ensuring that such innovations are regulated accordingly to enhance market confidence. The Bank will also continue to monitor any new financial derivatives and /or innovations in the market that could have adverse effects on market stability. It will also continue to work with stakeholders in the banking and real sectors in order to enhance the monetary policy transmission mechanism. Initiatives aimed at engaging stakeholders and obtaining feedback on the impact of MPC decisions will be enhanced.

The CBK will continue to work with stakeholders to identify and implement measures to enhance redistribution of liquidity in the interbank market. It will continue to work with the KBA to identify and implement measures to enhance the uptake of Horizontal Repos among banks. Forums with Chief Executive Officers will be held both to obtain feedback and to explain the background to MPC decisions. These initiatives will support improvements in the financial sector that contribute to the lowering of the cost of doing business. The CBK will also continue with its transparency through the timely dissemination of all the requisite data through its website.

	2012/13		2013/14			2014/15			2015/16		
	BPS'13	Prov	BPS'13	BROP'13	BPS'14	BPS'13	BROP'13	BPS'14	BPS'13	BROP'13	BPS'14
<i>Annual percentage change, unless otherwise indicated</i>											
National account and prices											
Real GDP	5.1	4.9	5.9	5.9	5.5	6.3	6.3	6.1	6.6	6.6	6.6
GDP deflator	7.4	6.6	7.4	7.4	6.5	7.9	7.9	7.2	7.7	7.7	6.8
CPI Index (eop)	6.3	6.0	6.4	6.4	5.8	6.0	6.0	5.3	5.5	5.5	5.0
CPI Index (avg)	5.9	5.9	6.7	6.7	6.0	6.2	6.2	5.7	5.8	5.8	5.0
Terms of trade (-deterioration)	5.7	-1.0	1.0	1.0	-0.3	4.3	4.3	4.2	5.4	5.4	5.6
<i>In percentage of GDP, unless otherwise indicated</i>											
Investment and saving											
Investment	21.9	20.9	23.9	23.9	22.5	24.9	24.9	24.1	25.4	25.4	25.2
Gross National Saving	10.9	10.4	13.5	13.5	12.8	15.6	15.6	15.6	17.7	17.7	18.1
Central government budget											
Total revenue	23.7	23.9	24.9	24.9	25.4	25.0	25.0	25.4	25.1	25.1	25.5
Total expenditure and net lending	32.6	32.9	35.4	35.4	36.2	30.6	30.6	31.1	30.5	30.5	30.9
Overall balance (commitment basis) excl. grants	-8.9	-9.0	-10.5	-10.5	-10.8	-5.6	-5.6	-5.7	-5.4	-5.4	-5.5
Overall balance (commitment basis) incl. grants	-6.8	-6.9	-8.7	-8.7	-8.9	-4.0	-4.0	-4.1	-3.8	-3.8	-3.9
External sector											
Exports value, goods and services	27.0	25.6	27.1	27.1	24.9	27.8	27.8	25.4	28.7	28.7	26.2
Imports value, goods and services	43.9	42.0	43.1	43.1	40.2	42.0	42.0	39.0	41.0	41.0	38.0
Current external balance, including official transfers	-11.0	-10.5	-10.5	-10.5	-9.6	-9.2	-9.2	-8.5	-7.7	-7.7	-7.1
Public debt											
Nominal central government debt (eop), gross	52.3	52.2	53.0	53.0	55.8	50.6	50.6	53.3	47.8	47.8	50.4
Nominal central government debt (eop), net of deposits	47.9	47.8	49.1	49.1	51.8	49.0	49.0	51.6	47.6	47.6	50.2
Domestic (net)	24.3	24.5	23.9	23.9	25.1	24.6	24.6	25.8	24.2	24.2	25.7
External	23.6	23.3	25.2	25.2	26.7	24.4	24.4	25.8	23.3	23.3	24.6
Memorandum items:											
Nominal GDP (in Ksh billions)	3,663	3,627	4,165	4,165	4,075	4,775	4,775	4,637	5,480	5,480	5,277
Nominal GDP (in US\$ millions)	42,728	42,522	47,379	47,379	46,801	53,227	53,227	52,420	60,078	60,078	59,089
Source: National Treasury											
BPS = Budget Policy Statement											
BROP = Budget Review & Outlook Paper											

ANNEX 2: CHRONOLOGY OF EVENTS OF PARTICULAR RELEVANCE TO MONETARY POLICY (JULY – DECEMBER 2013)

Date	Events
July 2013	(a) The CBK sold a net of USD 63 million in line with the CBK's exchange rate policy.
	(b) The CBK purchased USD 15 million offered by the market to build its foreign exchange reserves following stability in exchange rate market.
August 2013	(a) The CBK purchased USD 35 million offered by the market to build its foreign exchange reserves following stability in exchange rate market.
	(b) Introduction of T+1 cheque clearing system allowing cheques to be cleared and the money accessed within one day.
September 2013	The CBK purchased USD 112 million offered by the market to build its foreign exchange reserves following stability in exchange rate market.
October 2013	The CBK purchased USD 5 million offered by the market to build its foreign exchange reserves following stability in exchange rate market.
November 2013	The CBK purchased USD 70 million offered by the market to build its foreign exchange reserves following stability in exchange rate market.
December 2013	The CBK purchased USD 193 million offered by the market to build its foreign exchange reserves following stability in exchange rate market.

GLOSSARY OF KEY TERMS**Overall Inflation**

Overall inflation is a measure of price change in the economy calculated as the weighted year-on-year movement of the indices of the prices paid by consumers of goods and services collected monthly by the Kenya National Bureau of Statistics. The inflation measure is affected by the commodities in the basket some of which may experience sudden price spikes such as food or energy. It may therefore present a distorted picture of the true state of the economy.

Reserve Money

Reserve Money is computed as the CBK's monetary liabilities comprising currency in circulation (currency outside banks and cash held by commercial banks in their tills) and deposits of both commercial banks and non-bank financial institutions (NBFIs) held by the CBK. It excludes Government deposits.

Money Supply

Money supply is the sum of currency outside banks and deposit liabilities of commercial banks. Deposit liabilities are defined in narrower and broader senses as follows: narrow money (M1); broad money (M2); and extended broad money (M3). These aggregates are computed as follows:

M1 Currency outside banking system + demand deposits

M2 M1 + time and savings deposits + certificates of deposits + deposit

Liabilities of NBFIs

M3 M2 + residents' foreign currency deposits

Dated the 10th March, 2014.

CHARLES G. KOORI,

Director, Research Department.

GAZETTE NOTICE No. 5685

THE MINING ACT

(Cap. 306)

APPLICATION FOR A SPECIAL LICENCE

NOTICE is given that an application under section 17 of the Mining Act has been made by Messrs. Pacific Industrial Energy Ltd of P.O. Box 57404-00200, Nairobi, Kenya for a special licence to prospect for All Minerals over an area described in the schedule hereto and the said application has been accepted for consideration.

By virtue of the above mentioned section of the Mining Act, the said area of land is therefore re-opened to prospecting and mining and by virtue of section 7 (1) (d) of the same Act, the said area of land is excluded from prospecting and or mining except as regards any prospecting and mining rights granted in respect of the area or any part thereof before the date of this notice which are subsisting or any right of renewal thereof.

Any objection to the grant of the special licence may be made in writing and addressed to the Commissioner of Mines and Geology, P.O. Box 30009-00100, Nairobi, Kenya so as to reach him within thirty (30) days from the date of publication of this notice.

SCHEDULE

An area of approximately 95km² situated in Baringo and Laikipia Counties delineated on Rumuruti topo sheet Ref. No. NA-37-1 of scale 1:250,000 and more particularly indicated in the table below:

Point	X-coordinate	Y-Coordinate
1	178000.00	40000.00
2	179000.00	40000.00
3	179000.00	38000.00
4	181500.00	38000.00
5	181500.00	40000.00
6	188000.00	40000.00
7	188000.00	30000.00
8	178000.00	30000.00

Coordinate System: Projected, UTM, Zone 37 N

Datum: Arc 1960

MOSES N. NJERU,

MR/5692033 Acting Commissioner of Mines and Geology.

GAZETTE NOTICE No. 5686

THE COMPANIES ACT

(Cap. 486)

IN THE MATTER OF REHAB TRADING COMPANY LIMITED

WINDING-UP CAUSE NO. 3 OF 2014

NOTICE is given that a petition for the winding-up of the above-named company by the High Court of Kenya at Mombasa, was on the 14th May, 2014, presented to the said court by Mohamed Salim Bahmariz.

Any creditor or contributory of the said company desirous to support or oppose the making of an order on the said petition may appear at the time of hearing in person or by his advocate for the purpose and a copy of the petition will be furnished by the undersigned

to any creditor or contributory of the said company requiring such copy on payment of the regulated charge for the same.

Dated the 8th August, 2014.

GIKANDI & COMPANY,

Advocates for the Petitioner,

MR/5692103

P.O. Box 87669-80100, Mombasa.

NOTE

Any person who intends to appear on the hearing of the said petition must serve or send by post to the above-named notice in writing of his intention to do so. The notice must state the name and address of the person, or, if a firm, the name and address of the firm, and must be signed by the person or firm, or his or their advocate, if any.

GAZETTE NOTICE No. 5510

THE ENVIRONMENTAL MANAGEMENT AND CO-ORDINATION ACT

(No. 8 of 1999)

THE NATIONAL ENVIRONMENT MANAGEMENT AUTHORITY

ENVIRONMENTAL IMPACT ASSESSMENT STUDY REPORT FOR THE PROPOSED MENENGAI ROLLING MILLS ON LAND REFERENCE NO. DAGORRETTI/KINOO 4835 IN KINOO DIVISION, MUTHIGA LOCATION, KIAMBU COUNTY

INVITATION OF PUBLIC COMMENTS

PURSUANT to regulation 21 of the Environmental Management and Co-ordination (Impact Assessment and Audit) Regulations, 2003, the National Environment Management Authority (NEMA) has received an Environmental Impact Assessment Study Report for the above proposed project.

The Proponent (Menengai Stores Limited) intends to establish a Sufuria (cooking pot) and wick production plant in Muthiga location, Kinoo Division, on plot L.R No DAGORRETTI/KINOO/4835, in Kiambu County.

The proponent intends to construct godowns and aluminum-based factory for manufacturing of cooking pots, popularly known as 'Sufuria', from aluminium metal ingots. The premises will also be used for the production of lamp and cook-stove wicks. The godowns will be used for storage of raw materials and finished goods.

The following are the anticipated impacts and proposed mitigation measures:

Impacts	Mitigation Measures
Metal dust during preparation for smelting	<ul style="list-style-type: none"> Do not use drills & grinders or any power tools All workers on the production line MUST wear Personal Protective Equipment at all times Do not water blast or scrub with a stiff broom. Only use a manually controlled low pressure course garden horse
Metal dust/ fibres during transportation	<ul style="list-style-type: none"> All vehicles transporting scrap metal should be covered All workers involved in the loading and offloading should wear PPE's
Stack, Grid and tailpipe emissions	<ul style="list-style-type: none"> A 35 meter stack will be used Wet scrubbing of gases from the furnace to be employed so as to avert emission

	<ul style="list-style-type: none"> of NOx and SOx Removal of dust and particulate matter through cyclones and fabric filters Conduct Energy and Environmental audits to ascertain emission impacts Contribute to environmental protection activities such as tree planting that help sequester emitted carbon dioxide Ensure that company vehicles are well serviced to reduce tailpipe emissions Adhere to NEMA air quality regulations
Oil leaks and spills	<ul style="list-style-type: none"> Use well serviced vehicles and machinery Provide adequate servicing of vehicles and machinery on site. Proper storage of petroleum products.
Noise and vibration	<ul style="list-style-type: none"> Usage of manual labour as much as possible. Avoid use of explosives in construction works. Avoid unnecessary hooting of vehicles. Ensure all generators and heavy machinery are insulated or placed in enclosures to minimize noise levels.
Increased water demand	<ul style="list-style-type: none"> Water for cooling & rolling is re-cycled throughout the process without release. The volumes are only lost due to evaporation. Connection to city council water supply line. Buildings to have roof rainwater harvesting and storage facilities. Sinking of boreholes to complement city council water supply. Detect and repair water pipes. Install water conservation taps that turn off automatically when water is not in use.
Increased waste water generation	<ul style="list-style-type: none"> Waste water from the production line must be treated in accordance with proper industry standards Waste water shall not be released into the environment before treatment Conduct regular laboratory checks to ascertain the levels of heavy metals in waste water Strictly adhere to NEMA water quality regulations of 2006
Increased solid waste proliferation	<ul style="list-style-type: none"> All wastes to be disposed at designated disposal sites/landfills Re-use or recycle packaging materials such as paper cartons, plastic containers and bags. Provide collection containers especially hospital or laboratory wastes (different colours to allow waste segregation) at designated points on site. Provide waste cubicles and Contract NEMA licensed private waste handlers. All metal cuttings and waste to be recycled
Increased vehicular traffic	<ul style="list-style-type: none"> Provide paved local access road networks.

	<ul style="list-style-type: none"> Provide direct road access to Main road. Provide adequate vehicle parking space.
Increased energy demand	<ul style="list-style-type: none"> Connection to main power line. Provide solar lighting and water heating systems. Installation of standby generators. Provide energy saving (low power consumption) lighting bulbs.
Worker accidents and health risks	<ul style="list-style-type: none"> Employ skilled workers. Train workers on safety issues. Prepare clear work schedules and procedures. Have a clear organizational plan at the site with an occupational, health and safety officer. Provision of personal protection equipment. Provide onsite training.

The full report of the proposed project is available for inspection during working hours at:

(a) Director-General, NEMA, Popo Road, off Mombasa Road, P.O. Box 67839-00200, Nairobi.

(b) Principal Secretary, Ministry of Environment and Mineral Resources, NHIF Building, Community, P.O. Box 30126-00100, Nairobi.

(c) County Director of Environment, Kiambu County.

The National Environment Management Authority invites members of the public to submit oral or written comments within thirty (30) days from the date of publication of this notice to the Director-General, NEMA, to assist the Authority in the decision making process of the plan.

ZEPHANIA O. OUMA,
for Director-General,

MR/5692276

National Environment Management Authority.

GAZETTE NOTICE NO. 5687

THE ENVIRONMENTAL MANAGEMENT AND CO-ORDINATION ACT

(No. 8 of 1999)

THE NATIONAL ENVIRONMENT MANAGEMENT AUTHORITY ENVIRONMENTAL IMPACT ASSESSMENT STUDY REPORT FOR THE PROPOSED CEMTECH LIMITED STAFF HOUSING ESATE PROJECT SEBIT, WEST POKOT COUNTY, KENYA

INVITATION OF PUBLIC COMMENTS

PURSUANT to regulation 21 of the Environmental Management and Co-ordination (Impact Assessment and Audit) Regulations, 2003, the National Environment Management Authority (NEMA) has received an Environmental Impact Assessment Study Report for the above proposed project.

The Proponent (Cemtech Limited) is proposing to construct 300 Staff Housing Estate project at Sebit/Chepchoi sites in Pokot County.

The proponent proposes to construct 300 Staff Housing units categorized as types A to D for staff in descending level of cadre or seniority. Type A will have two bedrooms and a guest room each, type B will be smaller and two bedrooms each, type C will have two bedrooms each but smaller in size compared to that of a type B house and type D will have one bedroom each. Respective square areas covered by each unit for the categories A to D are 195 m², 100 m², 80 m² and 45 m². Types B to D will be arranged such that they are house clusters of one storey. Play grounds, school and hospitals are part of the plan and will be implemented in a different phase.

The following are the anticipated impacts and proposed mitigation measures:

<i>Impacts</i>	<i>Mitigation measures</i>	
Air pollution	<ul style="list-style-type: none"> • Suitable wet suppression techniques need to be utilized in all exposed areas. • All unnecessary traffic must be strictly limited on site speed controls are to be enforced. • Ensure that the site is located away from such pollution sources. • Use of unleaded fuel to be encouraged. • Use of bicycles within the estate to be encouraged. 	<ul style="list-style-type: none"> • Roof catchments will be used to collect the storm water for some domestic uses.
Solid waste generation	<ul style="list-style-type: none"> • Use of an integrated solid waste management system i.e. through a hierarchy of options: 1. Source reduction 2. Recycling 3. Composting and reuse 4. Combustion 5. Sanitary land filling. • Provide solid waste handling facilities such as rubbish bags and skips. • Ensure that solid wastes generated at the housing units are regularly disposed of appropriately at authorized dumping sites. • Ensure that occupants of the housing units manage their waste efficiently through recycling, reuse and proper disposal procedures. • Donate redundant but serviceable equipment to charities and institutions. • A private company to be contracted to collect and dispose solid waste on regular intervals. 	<ul style="list-style-type: none"> • Ensure strict enforcement of on-site speed limit regulations. • Avoid excavation works in extremely dry weathers. • Sprinkle water on graded access routes when necessary to reduce dust generation by construction vehicles • Personal Protective equipment to be worn.
Vegetation and animal disturbance	<ul style="list-style-type: none"> • Ensure proper demarcation and delineation of the project area to be affected by construction works. • Specify locations for trailers and equipment, and areas of the site which should be kept free of traffic, equipment, and storage. • Designate access routes and parking within the site. • Preserve of some individual trees within the site. • Introduction of vegetation (trees, shrubs and grass) on open spaces and their maintenance. • Design and implement an appropriate landscaping programme to help in re-vegetation of part of the project area after construction. 	<ul style="list-style-type: none"> • Vehicle idling time shall be minimized. • Alternatively fuelled construction equipment shall be used where feasible equipment shall be properly tuned and maintained • Sensitise truck drivers to avoid unnecessary racing of vehicle engines at loading/offloading points and parking areas, and to switch off or keep vehicle engines at these points.
Increased storm water, runoff and soil erosion	<ul style="list-style-type: none"> • Surface runoff and roof water shall be harvested and stored in underground reservoir for reuse. • A storm water management plan that minimizes impervious area infiltration by use of recharge areas and use of detention and/or retention with graduated outlet control structure will be designed. • Apply soil erosion control measures such as leveling of the project site to reduce run-off velocity and increase infiltration of storm water into the soil. • Ensure that construction vehicles are restricted to existing graded roads to avoid soil compaction within the project site. • Site excavation works to be planned such that a section is completed and rehabilitated before another section 	<ul style="list-style-type: none"> • Sensitise construction vehicle drivers and machinery operators to switch off engines of vehicles or machinery not being used. • Sensitise construction drivers to avoid gunning of vehicle engines or hooting especially when passing through sensitive areas such as churches, residential areas and hospitals. • The noisy construction works will entirely be planned to be during day time when most of the neighbours will be at work. • Ensure that all generators and heavy duty equipment are insulated or placed in enclosures to minimize ambient noise levels.
		<ul style="list-style-type: none"> • Incidents, accidents and dangerous occurrences
		<ul style="list-style-type: none"> • Ensure that provisions for reporting incidents, accidents and dangerous occurrences during construction using prescribed forms obtainable from the local Occupational Health and Safety Office (OHSO) are in place. • Enforcing adherence to safety procedures and preparing contingency plan for accident response in addition safety education and training shall be emphasized.
		<ul style="list-style-type: none"> • Fire protection
		<ul style="list-style-type: none"> • Firefighting equipment such as fire extinguishers and hydrant systems should be provided at strategic locations such as stores and construction areas. • Regular inspection and servicing of the equipment must be undertaken by a reputable service provider and records of such inspections maintained. • Signs such as "NO SMOKING" must be prominently displayed within the estate, especially in parts where inflammable materials are stored.
		<ul style="list-style-type: none"> • Oil Spills
		<ul style="list-style-type: none"> • A designated garage section of the site fitted with oil trapping equipments to be planned for changes. Such a area will be well protected from contaminating the soil.
		<ul style="list-style-type: none"> • Mushrooming of informal settlement
		<ul style="list-style-type: none"> • Control of informal activities around the project site.

The full report of the proposed project is available for inspection during working hours at:

(a) Director-General, NEMA, Popo Road, off Mombasa Road, P.O. Box 67839-00200, Nairobi.

(b) Principal Secretary, Ministry of Environment and Mineral Resources, NHIF Building, Community, P.O. Box 30126-00100, Nairobi.

(c) County Director of Environment, West Pokot County.

The National Environment Management Authority invites members of the public to submit oral or written comments within thirty (30) days from the date of publication of this notice to the Director-General, NEMA, to assist the Authority in the decision making process of the plan.

ZEPHANIA O. OUMA,
for Director-General,

MR/5692035

National Environment Management Authority.

GAZETTE NOTICE NO. 5688

THE ENVIRONMENTAL MANAGEMENT AND CO-ORDINATION ACT

(No. 8 of 1999)

THE NATIONAL ENVIRONMENT MANAGEMENT AUTHORITY ENVIRONMENTAL IMPACT ASSESSMENT STUDY REPORT FOR THE PROPOSED COMMERCIAL AND RECREATIONAL DEVELOPMENT ON PLOT L.R NO. 2951/434 IN KITISURU NAIROBI COUNTY

INVITATION OF PUBLIC COMMENTS

PURSUANT to regulation 21 of the Environmental Management and Co-ordination (Impact Assessment and Audit) Regulations, 2003, the National Environment Management Authority (NEMA) has received an Environmental Impact Assessment Study Report for the above proposed project.

The Proponent (Shiloah Investments Limited) is proposing to put up a commercial and Recreational Development on L.R. No.2951/434, Ngecha Road in Kitisuru, Nairobi City, Nairobi County.

The development on a 3.6 acres plot is proposed to include Retail Shopping Units, Banks, Food & Beverage Outlets, Office Space, Automotive Retail Unit, Children Recreation Area, Healthcare Facilities and Conferencing Facilities

The following are the anticipated impacts and proposed mitigation measures:

Impact

Mitigation Measures

Vegetation/biodiversity disturbance

- Ensure proper demarcation and delineation of the project area to be affected by construction works.
- Specify locations for trailers and equipment, and areas of the site which should be kept free of traffic, equipment, and storage.
- Designate access routes and parking within the site.
- Introduction of vegetation (trees, shrubs and grass) on open spaces and their maintenance.
- Design and implement an appropriate landscaping programme to help in re-vegetation of part of the project area after construction.

Increased storm water, runoff and soil erosion

- Storm water to be harvested and recycled for utilization within the project site. Disposal of storm water that will not be harvested will be via surface drain off.
- Apply soil erosion control measures such as leveling of the project site to reduce run-off velocity and increase infiltration of storm water into the soil.
- Ensure that construction vehicles are restricted to existing graded roads to avoid soil compaction within the project

site.

- Ensure that any compacted areas are ripped to reduce run-off.
- Open drains all interconnected will be provided on site.

Solid waste generation

- Provide solid waste handling facilities such as waste bins and skips.
- Apply an Integrated Solid Waste Management approach (reduce, recycle, combustion and sanitary land filling).
- All refuse generated should be properly transported and disposed at designated areas.

Dust emission

- Ensure strict enforcement of on-site speed limit regulations.
- Avoid excavation works in extremely dry weathers.
- Sprinkle water on graded access routes when necessary to reduce dust generation by construction vehicles.
- Personal Protective equipment to be worn.

Exhaust emission

- Vehicle idling time shall be minimized
- Alternatively fuelled construction equipment shall be used where feasible equipment shall be properly tuned and maintained.
- Sensitise truck drivers to avoid unnecessary racing of vehicle engines at loading/offloading points and parking areas, and to switch off or keep vehicle engines at these points.

Noise and vibration

- Sensitise construction vehicle drivers and machinery operators to switch off engines of vehicles or machinery not being used.
- Sensitise construction drivers to avoid gunning of vehicle engines or hooting especially when passing through sensitive areas such as churches, residential areas and hospitals.
- Ensure that construction machinery are kept in good condition to reduce noise generation.
- Ensure that all generators and heavy-duty equipment are insulated or placed in enclosures to minimize ambient noise levels.
- The noisy construction works will entirely be planned to be during daytime when most of the neighbours will be at work.
- Comply with the provisions of Environmental Management and Coordination (Noise and Excessive Vibration Pollution) (Control) Regulations, 2009 regarding noise limits at the workplace.

Increased consumption

energy

- Ensure electrical equipment, appliances and lights are switched off when not being used.
- Install energy saving fluorescent tubes at all lighting points instead of bulbs which consume higher electric energy.
- Ensure planning of transportation of materials to ensure that fossil fuels (diesel, petrol) are not consumed in excessive amounts.
- Monitor energy use during construction and set targets for reduction of energy

- use.
- High water demand
- Install water conserving taps that turn-off automatically when water is not being used.
 - Promote recycling and reuse of water as much as possible.
 - Install a discharge meter at water outlets to determine and monitor total water usage.
 - Promptly detect and repair of water pipe and tank leaks.
 - Sensitise staff to conserve water by avoiding unnecessary water use.
 - Ensure taps are not running when not in use.
- Generation of wastewater
- Provide means for handling sewage generated by construction workers.
 - Conduct regular checks for pipe blockages or damages since such vices can lead to release of the effluent into the land and water bodies.
 - Monitor effluent quality regularly to ensure that the stipulated discharge rules and standards are not violated.
- Incidents, accidents and dangerous occurrences.
- Ensure that provisions for reporting incidents, accidents and dangerous occurrences during construction using prescribed forms obtainable from the local Occupational Health and Safety Office (OHSO) are in place.
 - Enforcing adherence to safety procedures and preparing contingency plan for accident response in addition safety education and training shall be emphasized.
- Insecurity
- Ensure the general safety and security at all times by providing day and night security guards and adequate lighting within and around the construction site.
 - Body-search the workers on entry, to avoid getting weapons on site, and leaving site to ensure nothing is stolen.
 - Ensure only authorized personnel get to the site.
 - Security alarms will be installed.

The full report of the proposed project is available for inspection during working hours at:

(a) Director-General, NEMA, Popo Road, off Mombasa Road, P.O. Box 67839-00200, Nairobi.

(b) Principal Secretary, Ministry of Environment and Mineral Resources, NHIF Building, Community, P.O. Box 30126-00100, Nairobi.

(c) County Director of Environment, Nairobi County.

The National Environment Management Authority invites members of the public to submit oral or written comments within thirty (30) days from the date of publication of this notice to the Director-General, NEMA, to assist the Authority in the decision making process of the plan.

ZEPHANIA O. OUMA,
for Director-General,

MR/5692136

National Environment Management Authority.

GAZETTE NOTICE NO. 5689

THE ENVIRONMENTAL MANAGEMENT AND
CO-ORDINATION ACT

(No. 8 of 1999)

THE NATIONAL ENVIRONMENT MANAGEMENT AUTHORITY
ENVIRONMENTAL IMPACT ASSESSMENT STUDY REPORT
FOR THE PROPOSED FUEL FILLING STATION ON PLOT L.R
NO. 4885/124 AND 4885/125 IN RIRONI KIKUYU, KIAMBU
COUNTY

INVITATION OF PUBLIC COMMENTS

PURSUANT to regulation 21 of the Environmental Management and Co-ordination (Impact Assessment and Audit) Regulations, 2003, the National Environment Management Authority (NEMA) has received an Environmental Impact Assessment Study Report for the above proposed project.

The Proponent (Astrol Petroleum Company Limited) is proposing to set up a fuel filling station on Plot L.R No. 4885/124 and 4885/125 Rironi Kikuyu, Kiambu County

The proposed project will contain the following components: underground storage tanks with vents and breathers, oilinterceptor and septic tank, fuel dispensers under steel canopy, service bays such as tyre centre, car wash and repair shop, drive way and car park, management offices, compound work and walls.

The following are the anticipated impacts and proposed mitigation measures:

Impact

Mitigation Measures

- | | |
|---|---|
| Occupational health and safety | <ul style="list-style-type: none"> • Environmental Management Plan and a workable and cost effective implementation plan be put in place during the construction and operations phases. • All activities be carried out in ensuring better working conditions and compliance with the legal requirements. |
| Waste generation | <ul style="list-style-type: none"> • The materials that cannot be re-used should be disposed of at designated sites as stipulated in the environmental laws. • Proper waste disposal. • Provision of waste collection bins for easier waste segregation and disposal of waste. |
| Rocks from excavation, concrete and block off-cut chips | <ul style="list-style-type: none"> • The soil excavated will be re-used in filling and leveling the foundation which should be minimal • All the un-usable component be transported and disposed in designated areas. |
| Soil erosion and degradation | <ul style="list-style-type: none"> • The soil excavated will be re-filling the foundations • Control earthworks to avoid interfering with land not to be built upon. |
| Construction materials | <ul style="list-style-type: none"> • Use of standard materials already certified by the government. • Comply with the building code on structural configurations and materials to be used. |
| Visual enhancement | <ul style="list-style-type: none"> • Use of colors and structures that enhance visual façade. • Paint entire walls and external entrances to render well to general neighborhood. |
| Hydrology, drainage and ground water resources | <ul style="list-style-type: none"> • Storm water to be directed into the natural drains. • Properly design drainage structures to prevent silting and soil erosion. |
| Water resources | <ul style="list-style-type: none"> • Control usage of water to minimize wastage. • Install toilets flush with low volume cisterns and a long and short flush and push taps. |

- Rain water harvesting to prevent over dependence on already limited available water resources.
- Biological resources • Landscaping and planting of fast growing trees, shrubs, grasses and ornamental flowers where possible.
- Conflict resolution • Public consultation and interview.
- No interference with the any structure or resource of public and cultural interest to the community.
- The project will also create employment opportunities during construction and operations phases.
- Occupational health and safety regulations • Awareness training sessions focusing on environmental, health and safety regulations, requirements of the Environmental Management and Coordination Act.
- Prepare health and safety plan.
- Adhere to the general matters, stipulated health, safety and workforce welfare regulations.
- Provide workforce with safety wearing gear and enforce their use.
- Emergencies and accident occurrences • Provision of personal protective clothing.
- Protective clothing and safety gadgets to be provided to the workers and visiting clientele.
- Emergency response plan.
- Records of accidents • Records on number and nature of accidents and injuries to be maintained.
- Air, dust and noise pollution • Dust protection gadgets to be provided to the workers.
- Carry out off-site maintenance of trucks and machinery.
- Social security and safety • Construction of perimeter fence.
- Install basic security facilities such as street lighting and security alarms.
- Road safety and access • Erection of warning signs and directions
- Supervise movements of trucks and machinery at all times.
- General risks and hazards • Building design schedules to comply with local authority specifications of building regulations.
- Comply with Ministry of Work's code regulations for earthquakes.
- Comply with Kenya building code regulations for fire hazards.
- Certification of construction materials.

The full report of the proposed project is available for inspection during working hours at:

(a) Director-General, NEMA, Popo Road, off Mombasa Road, P.O. Box 67839-00200, Nairobi.

(b) Principal Secretary, Ministry of Environment and Mineral Resources, NHIF Building, Community, P.O. Box 30126-00100, Nairobi.

(c) County Director of Environment, Kiambu County.

The National Environment Management Authority invites members of the public to submit oral or written comments within thirty (30) days from the date of publication of this notice to the Director-General, NEMA, to assist the Authority in the decision making process of the plan.

ZEPHANIA O. OUMA,
for Director-General,

MR/5692057 National Environment Management Authority.

GAZETTE NOTICE NO. 5690

THE ENVIRONMENTAL MANAGEMENT AND

CO-ORDINATION ACT

(No. 8 of 1999)

THE NATIONAL ENVIRONMENT MANAGEMENT AUTHORITY ENVIRONMENTAL IMPACT ASSESSMENT STUDY REPORT FOR THE PROPOSED PETROL STATION ON PLOT L.R NO 209/14652, PUMWANI DIVISION, KAMUKUNJI CONSTITUENCY NAIROBI COUNTY

INVITATION OF PUBLIC COMMENTS

PURSUANT to regulation 21 of the Environmental Management and Co-ordination (Impact Assessment and Audit) Regulations, 2003, the National Environment Management Authority (NEMA) has received an Environmental Impact Assessment Study Report for the above proposed project.

The proponent (Abdi Abdirahman Mohamed) is proposing to develop a petrol station on Plot L.R No .209/1452, Pumwani Division, Kamukunji Constituency Nairobi County.

The development will comprise of three underground petroleum products storage tanks. One of 50,000lts and other two of 70,000lts capacity , tyre centre, puncture repair, car wash, parking space for trucks and lorries, car service, Quick shop/ Mini supermarket, sanitary facilities and associated facilities.

The following are the anticipated impact and proposed mitigation measures.

<i>Impact</i>	<i>Mitigation measures</i>
Noise Pollution	<ul style="list-style-type: none"> • Ensure that all generators and heavy duty equipment are insulated or placed in enclosure to minimize ambient noise levels. • Drivers to be sensitized to avoid unnecessary gunning of vehicle engines or hooting • Proper and regular servicing of engines and other machines shall be adhered to.
Aesthetic values	<ul style="list-style-type: none"> • Take all solid waste materials to designated disposal sites. • The landscaping programme should be maintained.
Air/ Dust Pollution	<ul style="list-style-type: none"> • Ensure strict enforcement of on-site speed limited regulations. • Where possible . avoid excavation works in extremely dry weathers. • Sprinkle water on graded access routes when necessary to reduce dust generation by construction vehicles. • Personal Protective Equipment (PPE) to be worn.
Storm-Water	<ul style="list-style-type: none"> • Open drains connected to NCC storm water drains should be well functioning at all times. • Such drains should also be fitted with oil filters. • Construction/provision of water storage tanks to collect storm water for cleaning uses. • Implementing of roof water harvesting
Security	<ul style="list-style-type: none"> • Ensure the general safety and security all times by providing day and night security guards and adequate lighting within and around the facility.
Health and safety	<ul style="list-style-type: none"> • All workers must be provided with the necessary PPE • Ensure all workers are in protective gears all the time when on site. • Place fire extinguisher in strategic areas within the depot.Designate and mark smoking areas.

Spills

- Workers should be trained as fire marshals
- Fire escape routes to be shown clearly.
- Provide enough first aid kits within the facility and have at least workers trained in first aid administering.
- Emergency telephone number should be well displayed.
- Take steps to prevent leaks and spills. Keep machinery, equipment, containers and tanks in good working condition and be careful when transferring used oil. Have sorbent materials available on site.
- If a spill or leak occurs, stop the spill from flowing at the source. If a leak from a container or tank can't be stopped, put the product in another holding container or tank.
- Contain spilled products. For example, containment can be accomplished by erecting sorbent berms or by spreading a sorbent over the spill. Develop a spill response action plan. Remove, repair or replace the defective tank or container immediately.
- All grounds should be cemented to prevent spills from leaking into underground water.
- Do not discharge petroleum products to sewers, drainage ditches, septic tanks or streams.
- Do not dispose of petroleum products in landfills or mix them with wastes that will be disposed of in landfills. Do not mix petroleum products with cleaning solvents. The resulting mixture can be hazardous waste.
- Do not use petroleum products for road oiling, dust control, weed control, or for similar purposes.
- Keep storage containers closed when not actively adding or removing materials. When storing drums keep an aisle space between drums to allow for inspection for leaks and damage.
- Install secondary containment to prevent the release of petroleum products to the environment. Inspect the containers and secondary containment structure on a weekly basis to be certain that they are in good condition. Keep written records of these inspections.
- Cement all ground in the depot to avoid leakage of petroleum products into underground water or contamination of soil.
- Have good plans of emergency cases of spill.
- Train all staff on hazard recognition, response plan implementation safety and clean up procedures, and reporting.
- Signs such as NO SMOKING must be prominently displayed within the premises, especially in parts where inflammable materials are stored.
- Fire fighting equipment should be provided at strategic locations such as stores and construction areas.
- Regular inspection and servicing of the equipment must be undertaken by a reputable service provider and records of

Fire protection

such inspections maintained.

Exhaust Emission

- Vehicle idling time shall be minimized
- Alternatively fuelled construction equipment shall be used where leasable equipment shall be properly tuned and maintained.
- Sensitize truck drivers to avoid unnecessary racing of vehicle engines at loading/ offloading points and parking areas, and to switch off or keep vehicle engines at these points.

The full report of the proposed project is available for inspection during working hours at:

- (a) Director-General, NEMA, Popo Road, off Mombasa Road, P.O. Box 67839-00200, Nairobi.
- (b) Principal Secretary, Ministry of Environment and Mineral Resources, NHIF Building, Community, P.O. Box 30126-00100, Nairobi.
- (c) County Director of Environment, Nairobi County.

The National Environment Management Authority invites members of the public to submit oral or written comments within thirty (30) days from the date of publication of this notice to the Director-General, NEMA, to assist the Authority in the decision making process of the plan.

ZEPHANIA O. OUMA,

for Director-General,

MR/5692315

National Environment Management Authority.

GAZETTE NOTICE No. 5691

PANGANI AUCTION CENTRE

DISPOSAL OF UNCOLLECTED GOODS

NOTICE is given pursuant to section 6 and 7 of Uncollected Goods Act (Cap. 38) of the laws of Kenya to the following clients to collect their goods, all lying uncollected at the premise of Pangani Auction Centre along Murang'a Road opposite Guru Nanak Hospital, Nairobi.

Muhatia Pala Auctioneers goods under card No. 6883, Nguru Auctioneers goods under card No. 6361, Wiskam Auctioneers goods under card Nos. 6937 and 6935, Tigwoods Auctioneers goods under card Nos. 6790 and 6559, Fantasy Auctioneers goods under card Nos. 6837 and 6735, Bealine Kenya Auctioneers goods under card No. 6666 Equity Bank.

Further notice is given that unless the goods are collected within thirty (30) days from the date of publication of this notice and upon payment to Pangani Auction Centre storage charges and any other incidental cost including the cost of publishing this notice, the said goods shall be disposed by way of public auction or private treaty without any further notice.

Dated the 13th August, 2014.

SIMON KAMAU NGUGI,

MR/5692124

Pangani Auction Centre

GAZETTE NOTICE No. 5692

CITY PANEL BEATERS & PAINTERS LIMITED

DISPOSAL OF UNCOLLECTED GOODS

NOTICE is given pursuant to section 6 and 7 of Uncollected Goods Act (Cap. 38) of the laws of Kenya, to the following clients No:

- (a) Kamkis Trading Company Limited, to collect their Prime Movers motor vehicles registration No. KV 1892 BA Man chassis No. WMADT48ZZ1M32604, red Mercedes Actros chassis No. WDB9541412K276150 and Mercedes Actros red and green chassis No. 12OL871143310340.
- (b) Prime Mover KAJ 084Q Renault chassis No. VF622AVAOA9900589
- (c) Prime Mover KAJ 901E Volvo chassis No. YV2F4CIDOVA264781.

All lying uncollected at the premise of City Panel Beaters & Painters Ltd, Bamburi Road, P.O. Box 18202-00500, Nairobi. Further

notice is given that unless the goods are collected within thirty (30) days from the date of publication of this notice and upon payment to City Panel Beaters & Painters Ltd, storage charges and any other incidental cost including the cost of publishing this notice, failure to which the same shall be disposed by way of public or private treaty without any further notice.

MR/5692123

JANICE INVESTMENT,
Auctioneer.

GAZETTE NOTICE NO. 5693

AUTO FINE LIMITED

DISPOSAL OF UNCOLLECTED GOODS

NOTICE is issued pursuant to section 5 of the Disposal of Uncollected Goods Act (Cap. 38) of the laws of Kenya, to Exclusive Limited, of P.O. Box 11080-00400, Nairobi, owner of C.T.U. (Classic Trailer Unit) lying in the premises of Auto Fine Limited, off Lunga Lunga Road, Industrial Area, Nairobi, to take delivery of the same within fourteen (14) days from the date of publication of this notice upon payment of repair cost and any other related expenses failure to which the said goods will be sold either by public auction or private treaty without further notice and proceeds shall be defrayed against all accrued charges without any further reference to them dated 6th August, 2014.

MR/5692223

JACINTA KANYUA,
Autofine Limited.

GAZETTE NOTICE NO. 5694

MBOI-I-KAMITI FARMERS COMPANY LIMITED

(Incorporated in Kenya)

Head Office: P.O. Box 300-00900, Kiambu

LOSS OF SHARE CERTIFICATE

Share Certificate No. 5300 in the name of Kanja Kathuka (deceased).

WHEREAS Kanja Kathuka (deceased), is registered as proprietor of share Certificate No. 4029 in Mboi-I-Kamiti Farmers Company Limited, and whereas sufficient evidence has been adduced by Benjamin Kinguru Kanja, the deceased's son, to show that the said share certificate issued thereof has been reported lost, notice is given that after the expiry of thirty (30) days from the date hereof, a new share certificate will be issued by the said company to Kanja Kathuka (deceased).

Dated the 19th June, 2014.

MR/5692014

KAMAU N. PETER & COMPANY,
Advocates for Benjamin Kinguru Kanja.

GAZETTE NOTICE NO. 5695

MBOI-I-KAMITI FARMERS COMPANY LIMITED

(Incorporated in Kenya)

Head Office: P.O. Box 300-00900, Kiambu

LOSS OF SHARE CERTIFICATE

Share Certificate No. 5836 in the name of Simon Ngata Kaguru.

WHEREAS Simon Ngata Kaguru, is registered as proprietor of share Certificate No. 5836 in Mboi-I-Kamiti Farmers Company Limited, and whereas sufficient evidence has been adduced to show that the said share certificate has been reported lost, notice is given that after the expiry of thirty (30) days from the date hereof, a new share certificate will be issued by the said company to Simon Ngata Kaguru.

Dated the 4th August, 2014.

MR/5692068

PETER M. MWANGI & COMPANY,
Advocates for Simon Ngata Kaguru.

GAZETTE NOTICE NO. 5696

MBOI-KAMITI FARMERS COMPANY LIMITED

(Incorporated in Kenya)

Head Office: P.O. Box 300-00900, Kiambu

LOSS OF SHARE CERTIFICATE

Whereas I, Godfrey Ngugi Kiburi registered as proprietor of share with Mboi-i-Kamiti Farmers Company Limited, share Certificate No. 11262, and whereas sufficient evidence has been adduced to show that the share certificate issued thereof has been lost or misplaced, notice is given that after the expiry of thirty (30) days from the date hereof, a new share certificate shall be issued and original certificate detailed above will be deemed to have been cancelled provided that no objection is received within that period.

Dated the 7th August, 2014.

MR 5692151

MWANIKI WARIMA ADVOCATE,
Advocates for the shareholder.

GAZETTE NOTICE NO. 5697

THE JUBILEE INSURANCE COMPANY OF KENYA LIMITED

Head Office: P.O. Box 30376-00100, Nairobi

LOSS OF POLICY

Policy No. 207781 in the name and on the life of Jacqueline Cherop Kirui.

APPLICATION has been made to this company for the issuance of duplicate of the above-numbered policy, the original having been reported as lost or misplaced. Notice is given that unless objection is lodged to the contrary at the office of the company within thirty (30) days from the date of this notice, duplicate policy will be issued, which will be the sole evidence of the contract.

Dated the 15th July, 2014.

MR/5692005

ALEX MWANGI,
Life Department.

GAZETTE NOTICE NO. 5698

GEMINIA INSURANCE COMPANY LIMITED

Head Office: P.O. Box 61316-00200, Nairobi

LOSS OF POLICY

Policy No. 6163602 in the name and on the life of Moses Ongoya Olang'o.

APPLICATION has been made to this company for the issuance of duplicate of the above-numbered policy, the original having been reported as lost or misplaced. Notice is given that unless objection is lodged to the contrary at the office of the company within thirty (30) days from the date of this notice, duplicate policy will be issued, which will be the sole evidence of the contract.

Dated the 26th June, 2014.

MR/5692021

K. S. SEMBI,
Chief Executive Officer.

GAZETTE NOTICE NO. 5699

MADISON INSURANCE

Head Office: P.O. Box 47382-00100, Nairobi

LOSS OF POLICY

Policy No. LB 3270700 in the name of Theresiah Mueni, of P.O. Box 30271-00100, Nairobi.

NOTICE is given that evidence of loss or destruction of the above policy documents has been submitted to the company and any person in possession of the policy documents or claiming to have interest therein should be communicated within thirty days (30) by registered post with the company, failing any such communication certified copies of the policies which shall be the sole evidence of the contracts will be issued.

Dated the 4th August, 2014.

MR/5692217

JOSEPHAT MUTHWIL,
Underwriting Manager, Life.

GAZETTE NOTICE NO. 5700

CFC LIFE ASSURANCE LIMITED

Head Office: P.O. Box 30364-00100, Nairobi

LOSS OF POLICY

Policy No. 8136242 in the name and on the life of Virginia Gathoni Kabochi.

APPLICATION having been made to this company on the loss of the above numbered policy, notice is given that unless objection is lodged to Cfc Life Assurance Limited within thirty (30) days from the date of this notice, duplicate policy will be issued, and shall be used as the only valid document by the company for all future transactions.

Dated the 23rd July, 2014.

MR/5692063 ROSELYNE KHAMALA,
Ag. Head of Customer Service, CFC Life.

GAZETTE NOTICE No. 5701

CFC LIFE ASSURANCE LIMITED

Head Office: P.O. Box 30364-00100, Nairobi

LOSS OF POLICY

Policy No. 8121882 in the name and on the life of Dorothy Akoth Oyicho.

APPLICATION having been made to this company on the loss of the above numbered policy, notice is given that unless objection is lodged to CFC Life Assurance Limited within thirty (30) days from the date of this notice, duplicate policy will be issued, and shall be used as the only valid document by the company for all future transactions.

Dated the 23rd July, 2014.

MR/5692063 ROSELYNE KHAMALA,
Ag. Head of Customer Service, CFC Life.

GAZETTE NOTICE No. 5702

CHANGE OF NAME

NOTICE is given that by a deed poll dated 21st February, 2014, duly executed and registered in the Registry of Documents at Nairobi, as Presentation No. 2666, in Volume D1, Folio 129/1960, File No. MMXIV, by our client, Bethwel Vallentine Kipkoge Kemboy, formerly known as Bethwel Vallentine Kipkoge alias Bethwel Vallentine Kemboy, formally and absolutely renounced and abandoned the use of his former name Bethwel Vallentine Kipkoge alias Bethwel Vallentine Kemboy, and in lieu thereof assumed and adopted the name Bethwel Vallentine Kipkoge Kemboy, for all purposes and authorizes and requests all persons at all times to designate, describe and address him by his assumed name Bethwel Vallentine Kipkoge Kemboy only.

Dated 24th July, 2014.

MR/5678850 NYAUNDI TUIYOTT & CO. ADVOCATES,
*Advocates for Bethwel Vallentine Kipkoge Kemboy,
formerly known as Bethwel Vallentine Kipkoge alias
Bethwel Vallentine Kemboy.*

GAZETTE NOTICE No. 5703

CHANGE OF NAME

NOTICE is given that by a deed poll dated 12th June, 2014, duly executed and registered in the Registry of Documents at Nairobi, as Presentation No. 280, in Volume D1, Folio 137/2084, File No. MMXIV, by our client, Gilbert Opiyo Ogango, of P.O. Box 50215-00200, Nairobi in the Republic of Kenya, formerly known as Gilbert Jedidah Ogango, formally and absolutely renounced and abandoned the use of his former name Gilbert Jedidah Ogango, and in lieu thereof assumed and adopted the name Gilbert Opiyo Ogango, for all purposes and authorizes and requests all persons at all times to designate, describe and address him by his assumed name Gilbert Opiyo Ogango only.

Dated the 25th July, 2014.

MR/5678884 CELESTINE ANYANGO OPIYO,
*Advocate for Gilbert Opiyo Ogango,
formerly known as Gilbert Jedidah Ogango.*

GAZETTE NOTICE No. 5704

CHANGE OF NAME

NOTICE is given that by a deed poll dated 16th December, 2013, duly executed and registered in the Registry of Documents at Nairobi, as Presentation No. 2030, in Volume D1, Folio 147/2275, File No. MMXIV, by our client, Mathenyu Gathogo, of P.O. Box 22346-00100, Nairobi in the Republic of Kenya, formerly known as Hesbon Mathenyu Gathogo, formally and absolutely renounced and abandoned the use of his former name Hesbon Mathenyu Gathogo, and in lieu thereof assumed and adopted the name Mathenyu Gathogo, for all purposes and authorizes and requests all persons at all times to designate, describe and address him by his assumed name Mathenyu Gathogo only.

MR/5675931 MAKUMI, MWANGI, WANG'ONDU & COMPANY,
*Advocates for Mathenyu Gathogo,
formerly known as Hesbon Mathenyu Gathogo.*

GAZETTE NOTICE No. 5705

CHANGE OF NAME

Notice is given that by a deed poll dated 3rd July, 2014, duly executed and registered in the Registry of Documents at Mombasa as presentation No. 121, in volume B-13, Folio 1111, File No. 1637, by our client, Zeinabu Mohamed Mbaruk, of P.O. Box 98047-80100, Mombasa in the Republic of Kenya, formerly known as Zena Mohamed Mbarak, formally and absolutely renounced and abandoned the use of her former name Zena Mohamed Mbarak and in lieu thereof assumed and adopted the name Zeinabu Mohamed Mbaruk, for all purposes and authorizes and requests all persons at all times to designate, describe and address her by her assumed name Zeinabu Mohamed Mbaruk only.

MR/5692024 ROBSON HARRIS & COMPANY,
*Advocates for Zeinabu Mohamed Mbaruk,
formerly known as Zena Mohamed Mbarak.*

GAZETTE NOTICE No. 5706

CHANGE OF NAME

Notice is given that by a deed poll dated 18th June, 2014, duly executed and registered in the Registry of Documents at Nairobi as presentation No. 2712, in volume D1, Folio 127/1947, file No. MMXIV, by me, Robert Joseph Nyongesa Barasa, of P.O. Box 11-00200, Kitale in the Republic of Kenya, formerly known as Robert Simiyu Wafula, formally and absolutely renounced and abandoned the use of his former name Robert Simiyu Wafula and in lieu thereof assumed and adopted the name Robert Joseph Nyongesa Barasa, for all purposes and authorizes and requests all persons at all times to designate, describe and address him by his assumed name Robert Joseph Nyongesa Barasa only.

MR/5692003 Robert Joseph Nyongesa Barasa,
formerly known as Robert Simiyu Wafula.

GAZETTE NOTICE No. 5707

CHANGE OF NAME

Notice is given that by a deed poll dated 12th June, 2014, duly executed and registered in the Registry of Documents at Nairobi as presentation No. 2810, in volume D1, Folio 155/2365, File No. MMXIV, by our client, Njambi Mwai, of P.O. Box 58919-00200, Nairobi in the Republic of Kenya, formerly known as Jacqueline Phylis Njambi Mwai, formally and absolutely renounced and abandoned the use of her former name Jacqueline Phylis Njambi Mwai and in lieu thereof assumed and adopted the name Njambi Mwai, for all purposes and authorizes and requests all persons at all times to designate, describe and address her by her assumed name Njambi Mwai only.

MR/5692112 J. M. MUGO & COMPANY,
*Advocates for Njambi Mwai,
formerly known as Jacqueline Phylis Njambi Mwai.*

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