

- (p) commit any act of plunder or wanton destruction of property;
- (q) be negligent in the performance of his or her duties;
- (r) appear on duty untidy in his or her person, arms, uniform or equipment;
- (s) make or sign any false statement in any document or official record;
- (t) without proper authority; disclose or convey any information concerning any investigation or Service matter;
- (u) malingering or feign any disease or infirmity;
- (v) without proper authority, demand or extract from any person any carriage, portage or provisions;
- (w) commit an act of corruption as defined by any written law;
- (x) make any false statement on joining the Service;
- (y) refuse or neglect to make or send any report which it is his or her duty to make or send;
- (z) knowingly falsely accuse or make a complaint against any officer of the Service or any other person affecting the character of that other officer or that other person, or willfully suppressing any material fact;
- (aa) without lawful excuse break out of Service barracks, quarters, lines or camp;
- (bb) make or sign any false statement in any document or official record;
- (cc) act or behave in a manner that constitutes cowardice under the Standing Orders;
- (dd) knowingly make a false statement affecting the character of such officer or other person or willfully suppressing any material fact; or
- (ee) be engaged in any other gainful employment or office without the authority of the Director.

2. A member of the Service who is absent from duty without leave for a period exceeding seven (7) days shall, unless the contrary is proven, be considered to have deserted from the Service which shall be an offence against discipline.

SPECIAL ISSUE

Kenya Gazette Supplement No. 15 (Laikipia County Acts No. 5)



REPUBLIC OF KENYA

KENYA GAZETTE SUPPLEMENT

LAIKIPIA COUNTY ACTS, 2021

NAIROBI, 31st December, 2021

CONTENT

Act—

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OFFENCES AGAINST DISCIPLINE

1. It shall be an offence against discipline for any officer of the Service to—

- (a) unlawfully use force or threaten to use violence against another officer or any other person;
- (b) use any obscene, abusive or insulting language in any form against any officer of the Service;
- (c) use threatening, insubordinate or disrespectful language, word, act or demeanour to an officer senior in rank to him or her;
- (d) cause a disturbance at any Service premises;
- (e) be intoxicated while on duty;
- (f) Consume any intoxicating liquor, psychotropic substance or narcotic drug, or smoke while in uniform or actively engage in duty at a public place;
- (g) wilfully disobey a lawful command or order;
- (h) be absent without leave;
- (i) be asleep while on duty;
- (j) leave his or her post or place of duty before being relieved except when in fresh pursuit of an offender who it is his or her duty to apprehend;
- (k) while under arrest or detention, leave or escape from such arrest or detention before he or she is set at liberty by the relevant authority;
- (l) discharge any weapon without authorization or without reasonable lawful cause;
- (m) without reasonable cause, fail to attend at any parade, instruction class or court or any other duty which he or she is required to attend;
- (n) sell, pawn, negligently lose, make away with, wilfully or negligently damage, or fail to report any loss of damage to, any arm, ammunition, accoutrement, uniform or other article of personal issue or any vehicle or other property committed to his or her charge that belongs to the Service or for which the Service is responsible for;
- (o) be in improper possession of any public or private property;

SECOND SCHEDULE*(Section 12 (4); 26)***DECLARATION**

I,..... Do hereby swear by the Almighty God [or do hereby solemnly and sincerely affirm] that I will give faithful and loyal service during this or any subsequent period of service as a member of the county youth service and that I will subject myself to all laws, regulations, standing orders and disciplinary code relating to the said service which may from time to time be in force.

So help me God

..... *(Signature of member)*

Declared by the said

THE LAIKIPIA COUNTY YOUTH SERVICE ACT, 2021**No. 5 of 2021***Date of Assent: 7th October, 2021**Date of Commencement: See Section 1***ARRANGEMENT OF SECTIONS***Section***PART I— PRELIMINARY**

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35— Reports.

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SCHEDULES

FIRST SCHEDULE— RANKS OF OFFICERS IN ORDER OF SENIORITY

SECOND SCHEDULE —DECLARATION

THIRD SCHEDULE—OFFENCES AGAINST DISCIPLINE

FIRST SCHEDULE

(Section 2; 8 (2))

RANKS OF OFFICES IN ORDER OF SENIORITY

Officers

Director

Senior Deputy Director

Deputy Director

Senior Assistant Director

Assistant Director

Senior Superintendent

Superintendent

Chief Inspector

Inspector

Subordinate Officers

Senior Sergeant

Sergeant

Corporal

(2) Notwithstanding the provisions of subsection (1), the Executive Committee Member may, upon consultation with the Executive Committee Member responsible for finance, make regulations for the better carrying out of the provisions of this section.

Role of County Public Service Board

34. The County Public Service Board shall guide the county department responsible for the service on all matters of recruitment, human resource management and development, discipline and deployment and any other matter that may affect the service.

Reports

35. (1) The service shall prepare quarterly reports to be submitted through the executive committee member to the executive committee.

(2) The reports referred to under subsection (1) shall include—

- (a) number of youth registered and trained in the period under review;
- (b) number of youth who have secured employment or engagement during the period under review;
- (c) any impediment encountered in the discharge of the functions of the Service;
- (d) any policy matters that the Service may require to be addressed by the Executive member or county government;
- (e) any other matter pertinent to the discharge of its functions under this Act.

(3) An annual report referred to under this section shall be published and publicized.

Offences

36. A person who contravenes any provision of this Act to which no penalty has been prescribed commits an offence and shall be liable, on conviction, to a fine not exceeding one hundred thousand shillings in the case of a natural person, and five hundred thousand shillings in the case of a firm or body corporate, or to imprisonment for a term not exceeding one year, or to both such fine and imprisonment.

Code of conduct

37. The executive member shall, within six months after entry into force of this Act develop a code of conduct for the members of service.

Regulations

38. The executive member may, make Regulations generally for the better carrying out of the purposes of this Act.

THE LAIKIPIA COUNTY YOUTH SERVICE ACT, 2021

AN ACT of the County Assembly of Laikipia to give effect to Articles 55 of the Constitution; to make provision for the establishment of the Laikipia Youth Service and for matters connected therewith and incidental thereto

ENACTED by the County Assembly of Laikipia, as follows—

PART I—PRELIMINARY

Short title

1. This Act may be cited as the Laikipia County Youth Service Act, 2021 and shall come into operation upon publication in the *Gazette*.

Interpretation

2. In this Act unless the context otherwise requires—

“County” means Laikipia county;

“County Government” means the County Government of Laikipia;

“County Public Service Board” means the Laikipia County Public Service Board;

“disability” means a physical, sensory, mental or other impairment, including any visual, hearing, learning or physical incapability, which impacts adversely on a person’s social and economic participation;

“Director” means the county director of the service appointed under this Act;

“Executive committee” means County Executive Committee pursuant to article 179 of the Constitution of Kenya;

“Executive Committee Member” means the Executive Committee Member responsible for Administration and Public Service;

“Officer” means a member of the county youth service of one of the ranks of officers specified in the First Schedule;

“Member” in relation to the county youth service includes an officer, a subordinate officer, a service member and any person for the time being seconded for service in the county youth service;

“Service” Means Laikipia County Youth service;

“Service Member” means a member of the county youth service undergoing training;

“Subordinate Officer” means a member of the service of one of the ranks of subordinate officer specified in the First Schedule;

“services” means engagement in county building, infrastructural development, irrigation projects, clearing drainage systems, disaster response, digging of holes, planting of seedlings, nurturing of trees, entertainment and community service; and

“Youth” has the meaning assigned to it under Article 260 of the Constitution of Kenya, 2010.

Objects of the Act

3. The object and purpose of this Act is to—

- (a) give effect to Articles 55 of the Constitution;
- (b) to inculcate a culture of self-worth and dignity, hard work, diligence, self-reliance and entrepreneurship among the youth;
- (c) reduce youth poverty, unemployment and helplessness;
- (d) promote participation of the youth in development programs including agriculture, Tourism, sports, cultural activities, entertainment, health, forestry, urban development, and environmental rehabilitation;
- (e) provide for the maintenance of a database of all trained Laikipia youth;
- (f) provide necessary training to facilitate increased employment of the youth in the county government and county government projects;
- (g) to ensure participation of the youth in youth empowerment programs;
- (h) provide for coordination and collaboration with other government agencies and to support implementation of national policies on youth in the county;
- (i) to facilitate employment of the youth in the private sector;
- (j) inform and educate the residents in Laikipia county on the need to empower the youth and the harmful economic and social consequences of their alienation;
- (k) facilitate and enhance community participation in youth related matters;
- (l) to conduct research and implement effective measures to empower the youth in the county;
- (m) to provide awards, scholarships and prizes to deserving youth;
- (n) to provide a mechanism for addressing unique youth needs; and

- (a) strikes or otherwise uses violence to, or offers violence to or incites any other person to use violence to an officer, senior or placed in charge of them or such other person; or
- (b) is drunk and disorderly, uses threatening or insubordinate language to any officer senior to or placed in charge of them shall be prosecuted in a court of Law in accordance with the relevant Law creating the offence and prescribing the penalty for it.

Desertion

31. (1) Any member who absents himself or herself from duty without leave or just cause for a period of seven (7) days shall, unless the contrary be proved, be deemed to have deserted from the Service.

(2) Any member who deserts from the Service or who is deemed to have deserted from the Service shall forfeit any pay or allowances due to him or her, and all rights in respect of any savings scheme operated by the Service.

PART VI—AFFIRMATIVE ACTION

Encouragement to employ the youth

32. (1) The County shall, through the County Executive Committee, encourage private and public institutions to employ youth in all positions, including positions of leadership and management.

(2) The County shall come up with incentives to reward any private institution that employs the youth, and who do not possess more than five (5) years work experience.

(3) The County shall take affirmative action measures and actions designed to promote the employment of youth in all levels of employment.

PART VII—MISCELLANEOUS PROVISIONS

Finance

33. (1) The expenditure incurred in the establishment, maintenance and operations of the service, including the payment of such allowances for members as the Executive Committee Member may from time to time direct shall be defrayed out of —

- (a) moneys appropriated by the County Assembly;
- (b) grants and donations from partners;
- (c) interests dividends or any income from any investment;
- (d) contributions from members of the service or any well wishers;
- (e) any other lawful source.

Counselling

27. The service shall provide counselling services to youth on general matters affecting their health, social and economic progress, among others.

Certificate

28. Upon successful completion of the prescribed training a Certificate of participation or completion in such form as may be required and signed by the authorized officers shall be issued to every member and shall be evidence of their successful training under this Act.

PART V—DISCIPLINARY PROVISIONS**Disciplinary code and Regulations**

29. (1) Every member of the service shall be subject to the provisions of this part.

(2) A member of the service who commits any acts set out in Third Schedule commits an offence against discipline.

(3) The Executive Committee Member may issue a disciplinary code for the service or any part of the Service, and in respect of service members may make regulations for the following matters—

- (a) to make provision for the investigation of disciplinary offences and the hearing and determination of disciplinary proceedings;
- (b) to make provision for appeals; and
- (c) to prescribe disciplinary penalties and awards.

(4) A member of the Service who commits an offence against discipline shall, on conviction, be liable to—

- (a) dismissal from the Service;
- (b) stoppages of pay or allowance;
- (c) demotion in rank;
- (d) extra drills or parades or fatigues; or
- (e) any combination of the punishments provided under this section.

(5) A person seconded to the service shall be subject to the disciplinary code.

Insubordinate behaviour

30. Any member—

- (o) to give effect to the constitutional values and principles in so far as affirmative action for the youth is concerned.

Application of the Act

4. This Act applies to—

- (a) the county government and its agencies;
- (b) the private sector; and
- (c) the informal sector.

Guiding principles

5. All persons subject to this Act shall at all times respect, uphold and defend the values and principles enshrined in the Constitution.

PART II—ESTABLISHMENT OF THE SERVICE**Establishment of the Service**

6. There is established and maintained in the County, the Laikipia County Youth Service.

Functions of the Service

7. The functions of the service shall be—

- (a) the training of Youth to serve the County and to be self-reliant;
- (b) assist in employment and placement of the trained youth in formal, informal or any other form of employment.
- (c) instilling a culture of patriotism, responsibility and self-discipline to self and the service of Laikipia County.

Recruitment of service members

8. (1) The service shall recruit service members from every ward of the county.

(2) In conducting the recruitment, the director shall ensure regional balance within the Wards, ethnic balance and gender equality in line with existing policies and regulations and people living with disability.

PART III—ORGANISATION AND MEMBERSHIP OF THE SERVICE**Members of the service**

9. (1) The Service shall consist of such number of officers as may from time to time be prescribed by the Executive Committee.

(2) The officers of the service shall be recruited from each ward in the County.

(3) The County Public Service Board in consultation with the director of the service shall recruit the officers.

(4) The ranks of the officers are as stated in the First Schedule.

(5) The Executive Committee Member may, from time to time amend the First Schedule with the approval of the County Executive Committee.

Secondment to the Service

10. The Executive Committee Member may second any person in the County Public Services, or an officer from any other County or national Government, upon consultation with that other Government, to the Service, for such period and at such rank in the service as the Executive Committee Member may determine:

Provided that where a person is seconded to the service in any particular rank he or she shall not thereafter be required to serve in any junior rank than his or her previous rank, without his or her consent, and if he or she can no longer be employed in the rank at which he or she was seconded, or in any rank senior thereto, his or her secondment shall, if he or she so wishes, be terminated.

Appointment to the service

11. (1) A person seeking to be trained by the youth service may apply to the Director of the service.

(2) A person shall be eligible to apply for training at the youth service if the person satisfies the following qualifications—

- (a) is a citizen of Kenya and a resident of Laikipia County;
- (b) has a primary school certificate;
- (c) meets the definition of a youth.

Termination of Service

12. (1) The Executive Committee Member may at any time during the period of training of the youth terminate such training if, for any reason, the services of such member are no longer required.

(2) The appointment of an officer of a subordinate officer may be terminated, if he or her services are no longer required, in the manner applicable to other public officers within the county public service.

Resignation from the Service

13. (1) A member of service may, at the discretion of the director, or an officer authorized by him or her in that behalf, be permitted to resign from the Service before the expiration of his or her period of enlistment or re-enlistment on personal or compassionate grounds.

(2) Where a vacancy occurs in the office of Director, the County Public Service Board shall fill the vacancy in accordance with the provisions of section 19.

Oath of office by Director

23. A person appointed as the Director shall, on his or her appointment, take and subscribe to the oath of office set out in the Second Schedule.

Secretariat of the Service

24. There is established a secretariat of the service headed by the Director which shall have such number of staffs as may be approved by the County Executive Committee.

PART IV— DUTIES AND EMPLOYMENT OF THE SERVICE

Duties of Officers

25. Every officer of the Service shall—

- (a) perform such duties and carry out such training as he or her may be directed by the officers senior to or placed in command over him or her; and
- (b) obey and execute promptly all orders lawfully issued to him or her or placed in command over him or her.
- (c) to perform any other duties as may be directed by the director in service to the people of Laikipia provided that the duties are reasonable, ethical and within the law.

Training institution and centres

26. (1) The County Executive Committee shall establish and develop youth service training centers to train officers, where there are existing youth training centers such as the vocational training centers, the County executive committee shall not be required to establish a new youth training center.

(2) The County Executive Committee in consultation with the Executive member, national training bodies, public and private stakeholders shall:

- (a) develop a training policy;
- (b) approve the training curriculum;
- (c) oversee the implementation of the policy; and
- (d) regulate and review of the training curricula to ensure its relevancy.

- (g) prepare a strategic plan for the service in conformity with the medium term fiscal framework and fiscal policy objectives of the county government;
- (h) prepare estimates of expenditure and revenues of the service in conformity with the strategic plan referred to in paragraph (h);
- (i) submit the estimates of the service to the Executive Committee Member who, after approving it, shall forward it to the County Treasury;
- (j) prepare annual financial statements for each financial year within three (3) months after the end of the financial year, and submit them to the Executive Committee Member who, after approving it, shall forward it to the County Treasury; and
- (k) be the custodian of all the assets of the service.

Term of office of Director

21. A person appointed as the Director shall serve for a period of three years renewable once.

Vacancy in the Office of Director

22. (1) The office of the Director shall become vacant if the holder —
- (a) dies;
 - (b) resigns from office in writing to the County Public Service Board;
 - (c) is convicted of a criminal offence and sentenced to a term of imprisonment; or
 - (d) his/her contract is legally terminated by the County Public Service Board in compliance with the provisions of the Employment and Labour Laws on the following grounds —
 - (i) violating of the Constitution or any other written law including a contravention of Chapter Six;
 - (ii) gross misconduct in performing the functions of the office of the Director;
 - (iii) physical or mental incapacity to perform the functions of the office of the Director;
 - (iv) incompetence; or
 - (v) bankruptcy.

(2) An officer or a subordinate officer may be permitted to resign from the service in the manner applicable to other service officers within the county public service.

Extension of Service during Times of Emergency

14. A Despite the forgoing provisions, any member of the service whose engagement or secondment expires, or who wishes to resign, during a disaster or public emergency may be retained in the service and his or her period of engagement or secondment prolonged for such further period, not being more than six (6) months:

Provided that the provisions of this section shall not apply to a member seconded from another county or national government, except with the consent of the government and the member concerned.

Register

15. (1) The County Executive Member shall keep and maintain an upto-date register of all youth successfully trained by the Service.

(2) The register referred to under subsection (1) shall contain—

- (a) particulars of the youth recruited;
- (b) particulars of the youth trained and their specialized skills;
- (c) academic qualifications of the youth;
- (d) work experience, if any, of the youth;
- (e) contact details of the youth;
- (f) the ward and Sub- county from which the youth comes from;
- (g) details of whether the youth is living with any form of disability or challenge;
- (h) gender;
- (i) area of interest;and
- (j) such other details as the Service may consider necessary.

Prohibition from unauthorized use of data

16. (1) The Executive Committee Member shall not use data obtained under this Act for any other purpose other than the purpose authorized under this Act.

(2) A person who contravenes subsection (1) commits an offence and shall be liable on conviction to a fine not exceeding five hundred thousand shillings.

Return of service property

17. (1) Every member on leaving the Service shall forthwith deliver up to such person as may be authorized in that behalf, any uniform, clothing, equipment supplied to him by or on behalf of the Service:

(2) Any person who fails to comply with the provisions of subsection (1) of this section, or who returns such property in a damaged condition, the damage not being attributable to the proper discharge of his or her duties whilst a member of the service, shall be liable for the cost of replacing or repairing such property, and such cost shall be a debt due from such person to the County Government and maybe recoverable by deduction from any moneys due from the County Government to such person, for the whole amount, or for any balance due after such deduction as aforesaid.

Services may be divided into branches, etc.

18. (1) The service shall be divided into such numbers and description of branches, units and sub-units as the executive committee member may from time to time direct.

(2) Any member, save for an officer or subordinate officer specifically seconded to a particular description of branch, unit or sub-unit (in which case he or she may be posted only to a branch, unit or sub-unit of that description), may at the discretion of the director be posted to and employed in any branch, unit or sub-unit of the service.

Appointment of Director

19. (1) There shall be a director of the service who shall be competitively recruited by the County Public Service Board.

(2) A person is qualified to be appointed as the director if that person—

- (a) is a Kenyan citizen by birth;
- (b) is a holder of at least a first degree from a university recognized in Kenya;
- (c) satisfies the requirements of chapter six of the Constitution.
- (d) has at least five (5) years post qualification experience, two of which has been at management level;
- (e) has not been convicted of any criminal offense;
- (f) has not dishonourably discharged from a national security organ;
- (g) has not been otherwise dismissed from an office in the public service; and
- (h) is not an undischarged bankrupt.

(3) For purposes of this section, discipline services means the Kenya Defence Forces, National Police Service, National Intelligence Service, Kenya Forest Service, Kenya Prison Service, Kenya Wildlife Service, Kenya Coast Guard Service, County Government Senior Administration and National Government Administration.

Responsibilities of Director and Officers in-charge

20. (1) The director shall, subject to this Act and any subsidiary legislation made there under, and any directions given by the committee member, be responsible for the overall command, superintendence and direction of the service, and may for this purpose from time to time issue service standing orders which may not be required to be published in the *gazette*.

(2) The director shall be the accounting officer of the service.

(3) Subject to subsection (1), the member who is appointed as officer in charge of any description of branch, unit or sub-unit or combination of the same shall be responsible to the director in relation to the command, superintendence and direction of such branch, unit or sub-unit or such combination.

(4) The Director shall ensure that the resources of the service are used in a way that is lawful, authorized, effective, efficient, economical and transparent.

(5) The Director shall —

- (a) subject to the general direction of the executive committee member, be responsible for the day to day administration, control and management of the Service;
- (b) comply with any lawful direction issued by the Executive Committee Member;
- (c) develop and implement or cause to be implemented, the service policy and strategy;
- (d) be responsible for the training, education and deployment of the members of the service;
- (e) prepare and submit to the Executive Committee Member a biannual report on the activities undertaken by the service;
- (f) ensure the service keeps financial and accounting records that comply with the Public Finance Management Act, No. 18 of 2012, as per the chief officers direction;