

**SPECIAL ISSUE**

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REPUBLIC OF KENYA

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**LAIKIPIA COUNTY ACTS, 2021**

**NAIROBI, 13th March, 2023**

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**THE LAIKIPIA COUNTY DISASTER RISK MANAGEMENT ACT, 2021****ARRANGEMENT OF SECTION**

No. 5 of 2021

*Date of Assent: 26th May, 2021**Date of Commencement: 13th March, 2023***ARRANGEMENT OF SECTIONS***Section***PART I—PRELIMINARY**

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**PART IV—GENERAL PROVISIONS**

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**LAIKIPIA COUNTY DISASTER RISK MANAGEMENT  
ACT, 2021**

**AN ACT** of County Assembly of Laikipia to provide for the prevention and mitigation of disasters and emergencies and for establishment of the Disaster Management Fund and for connected purposes.

**ENACTED** by the County Assembly of Laikipia as follows—

**PART I—PRELIMINARY**

**Short Title**

1. This Act may be cited as the Laikipia County Disaster Risk Management Act, 2021.

**Interpretation**

2. In this Act, unless the context otherwise requires—

“Coordinating Committee” means the Committee established under section 7;

“Department” means the county department responsible for disaster management established by the County Executive Committee;

“disaster” means a progressive or a sudden, widespread or localized, natural or human-caused occurrence affecting the functioning of an entire or a section of community which—

- (a) causes or threatens to cause;
- (b) death, injury or disease;
- (c) damage to property, infrastructure or the environment; or
- (d) disruption of the life of a community; and is of magnitude that exceeds the ability of the community affected by the disaster to cope with its effects using only its own resources.

“disaster management” means a continuous and integrated multi-sectoral, multi-disciplinary process of planning and implementation of measures aimed at—

- (a) preventing or reducing the risk of disasters;
- (b) mitigating the severity or consequences of disasters;
- (c) emergency preparedness;

- (a) phenomena, occurrence, activities and circumstances that cause or aggravate disasters;
- (b) risk factors underlying disasters and ways and means of reducing such risks;
- (c) prevention and mitigation of disasters;
- (d) early warning systems;
- (e) areas and communities that are vulnerable to disasters;
- (f) key stakeholders in disaster management in the county;
- (g) information related to institutions providing emergency services especially in regard to medical, fire-fighting; and
- (h) emergency preparedness in the different spheres in the county.

**Integration of disaster preparedness in institutions**

13. The Department shall in collaboration with other public or private agencies facilitate the establishment and integration of disaster preparedness policies, plans and strategies in local communities and public and private institutions.

**Annual report**

14. (1) The Department shall within two months after the end of each financial year, prepare and submit to the County Executive Committee an annual status report.

(2) The report prepared under this section shall provide for among others—

- (a) the progress made in the implementation of this Act;
- (b) disasters that occurred during the year in each Ward;
- (c) the classification, magnitude and severity of the disasters;
- (d) resources used in disaster management under the Act; and
- (e) any other matter as the Executive Member may require.

(3) The executive member shall ensure that the report is submitted to the County Assembly.

(3) The disaster management master plan shall provide for among others—

- (a) the prevention and mitigation as core principles of disaster management;
- (b) the comprehensive approach in addressing all forms of disasters that may affect the county;
- (c) strategies for research, risk assessment, mitigation, preparedness, response, relief and recovery and post disaster assessment;
- (d) the comprehensive hazard profile of the county;
- (e) the manner in which the mitigation measures and early warning systems shall be integrated with the development plans and projects and the roles and responsibilities of each department of the county government in relation to the measures specified;
- (f) the cooperation, collaboration and coordination among public and private players;
- (g) the public awareness, community mobilization and capacity building in disaster management;
- (h) the resource mobilization for disaster; and
- (i) short term and long term strategies for disaster management.

#### **Disaster management information system**

12. (1) The Department shall establish and maintain a disaster management information system which shall include—

- (a) collection of information on all aspects of disasters and disaster management;
- (b) processing and analysis of the information;
- (c) maintenance of physical or electronic database; and
- (d) dissemination of information especially to communities or persons affected by disasters.

(2) The database referred to under subsection (1) shall provide among others for—

- (d) rapid and effective response to disasters; and
- (e) post-disaster recovery and rehabilitation;

“Disaster risk management” means the systematic process of using administrative directives, organizations and operational skills and capacities to implement strategies, policies and improved coping capacities in order to lessen the adverse impacts of hazards and the possibility of disaster.

“Disaster risk reduction” means the concept and practice of reducing disaster risks through systematic efforts to analyze and manage the causal factors of disasters, including through reduced exposure to hazards, lessened vulnerability of people and property, wise management of land and the environment, and improved preparedness for adverse events;

“Disaster preparedness” means a package of precautionary measures, taken in advance of an imminent threat to help people and institutions respond to and cope with the effects of a disaster.

“Executive Member” means the member of the County Executive Committee for the time being responsible for disaster management;

“Fund” means the Laikipia County Disaster Risk Management Fund established under section 5;

“Hazard” means a dangerous phenomenon, substance, human activity or condition that may cause the loss of life, injury or other health impacts, property damage, loss of livelihoods and services, social and economic disruption, or environmental damage;

“Mitigation” means a substantial reduction of the impacts of a disaster in case it goes beyond preventive measures;

“Prevention” means on focusing on measures aimed at impeding the occurrence of a disaster, and at minimizing its harmful effects on the community, property and the environment;

“Response” means the interventions taken during or immediately after a disaster. Such actions are directed towards saving lives and livelihoods and dealing with the immediate damage caused by disaster; and

“Vulnerability” means the characteristics and circumstances of a community, system or asset that makes it susceptible to the damaging effects of a hazard.

**Purpose of the Act**

3. The purpose of the Act is to—

- (a) provide for the framework for preventing and mitigating disasters and their effects and ensuring effective and efficient preparedness and response to occurrence of any disaster;
- (b) establish an efficient structure for the management of disasters and emergencies by promoting cooperation amongst actors with a role in disaster risk management;
- (c) enhance the capacity of communities and the county government of Laikipia to effectively manage the impact of disasters and emergencies and to take all necessary action to prevent or minimize threats to life, health and the environment from natural disasters and other emergencies;
- (d) vest authority in persons to act during times of disaster and emergency in accordance with this act, and to require the observance and implementation of directives given and initiatives taken by persons authorized under this Act;
- (e) implement mechanisms to reduce risks and hazards that may cause, contribute to or exacerbate disaster or emergency situations in the county; and
- (f) establish the Laikipia County disaster risk management fund.

**PART II—ADMINISTRATION****Functions of the Department**

4. The Department shall be responsible for—

- (a) coordinating disaster management;
- (b) in collaboration with other stakeholders, preparing and coordinating the implementation of disaster management policies, strategies and plans;
- (c) promoting disaster prevention and preparedness among communities, and public and private entities;
- (d) providing liaison with national government and other agencies on disaster management;

**Declaration of a county disaster**

10. (1) The County Executive Committee shall determine the occurrence of a disaster either for the entire county or part of the county for the purposes of this Act.

(2) Where the County Executive Committee determines the occurrence of a disaster, the Governor shall declare the disaster.

(3) Where a state of disaster has been determined under this section, the Executive Member shall in consultation with County Executive Committee issue directions concerning—

- (a) the releasing of any available resources of the county government;
- (b) the provision of emergency services in relation to the disaster;
- (c) the release of personnel of a county department for rendering emergency services related to the disaster;
- (d) the regulating the movement of persons or goods to, from or within the area affected by the disaster;
- (e) the evacuation or provision of emergency shelters for persons affected;
- (f) the coordination of provision of emergency services by public or private agencies;
- (g) the facilitation of response and post-disaster recovery and rehabilitation; and
- (h) any other matter related to mitigation of the impact of the emergency.

**Disaster management master plan**

11. (1) The Department shall in collaboration with other public and private sector stakeholders, prepare of the county disaster management master plan within six months upon the commencement of this Act.

(2) The disaster risk management master plan prepared under this section shall be deemed to be a sectoral plan for the purposes of the county integrated development plan prepared under the County Governments Act, 2012.

(5) The Department shall provide the secretariat services to the Coordinating Committee.

(6) The Coordinating Committee shall submit monthly progress reports of its operations to the County Executive Committee.

#### **Disaster management coordination forum**

8. (1) There is established the county disaster risk management coordination forum.

(2) The forum shall consist of all public and private sector stakeholders in disaster management.

(3) The Chairperson of the forum shall be appointed by the Executive Member in consultation with the Governor from among persons involved in disaster management in the County.

(4) The chief officer responsible for disaster management shall be the secretary of the forum.

(5) The forum shall be responsible for—

- (a) providing a platform for engagement and partnership in disaster management;
- (b) resource mobilization and planning for disaster management;
- (c) reviewing county disaster management plans and strategies;
- (d) developing common strategies for disaster management; and
- (e) mobilizing communities and other stakeholder on matters related to disaster management.

(6) The Executive Member shall prescribe the procedures governing the operations of the forum.

#### **Establishment of disaster management committees**

9. (1) The Executive Member may, in consultation with the County Executive Committee establish sector, locality or community based committees disaster management committees for better implementation of this Act.

(2) The Executive Member shall assign such functions to the committees established under this Act as deemed appropriate.

- (e) advising and supporting other county departments responsible for matters related to disaster management on measures and policies to be adopted in preventing and mitigating disasters;
- (f) developing and managing disaster management information system;
- (g) undertaking research and data collection related to disaster management;
- (h) acting as the repository to information and statistics related to disaster management;
- (i) carrying out disaster surveillance, monitoring and evaluation and advising the County Executive Committee on appropriate measures to be undertaken; and
- (j) carrying out any other function in furtherance of the purpose of this Act or as may be assigned by the Executive Member.

#### **Establishment of the Fund**

5. (1) There is established a Fund to be known as the Laikipia County Disaster Risk Management Fund.

(2) The Fund shall consist of—

- (a) such monies as may be appropriated by the county assembly;
- (b) sums received as contributions, gifts or grants from any lawful source;
- (c) monies earned or arising from any investment of the Fund; and
- (d) any money that may be payable or vested in the Fund.

(3) The Fund shall be used for—

- (a) facilitating disaster preparedness and early warning signs;
- (b) mitigating the impact of disasters;
- (c) facilitating response relief and reconstruction in the county after disaster; and
- (d) supporting the implementation of the provisions of this act.

**Administration of the Fund**

6. (1) The Fund shall be administered by the Chief Officer for the time being responsible for disaster management.

(2) The chief officer shall—

- (a) supervise and control the administration of the Fund;
- (b) be the accounting officer of the Fund;
- (c) prepare a budget and such plans for better administration of the Fund to be approved by the county executive committee;
- (d) impose conditions or restrictions on the use of any expenditure arising from the Fund;
- (e) cause to be kept proper books of account and other books and records in relation to the Fund as well as to all the various activities and undertakings of the Fund;
- (f) prepare, sign and transmit to the Auditor-General in respect of each financial year and within three (3) months after the end thereof, a statement of accounts relating to the Fund in accordance with the Public Audit Act, 2003 and in such details as the County Treasury may from time to time direct;
- (g) furnish such additional information as may be required for examination and audit by the Auditor-General or under any law; and
- (h) designate such staff as may be necessary to assist in the management of the Fund.

(3) There shall be no funds disbursed from the Fund in relation to disaster or emergency response unless such funds are related to providing services related to a disaster declared under section 10.

(4) The Executive Member shall, in consultation with the County Executive Committee prescribe guidelines for administering the Fund under this Act.

**PART III—DISASTER MANAGEMENT****County Disaster Coordinating committee**

7. (1) There is established the County Disaster Coordinating Committee.

(2) The Coordinating Committee shall consist of—

- (a) all chief officers responsible for administering policy matters related to disaster management, water, agriculture, livestock, health, environment and finance as designated by the County Executive Committee;
- (b) the officer responsible for coordinating national government functions in the county;
- (c) any officer responsible for a department of national government in the county that is responsible for policy matters related to disaster management in the county;
- (d) one person representing the Kenya Red Cross Society;
- (e) one person representing non governmental organizations involved in disaster management;
- (f) one person representing faith based communities;
- (g) one person representing the private sector; and
- (h) the County Director of meteorological services.

(3) The Chief Officer responsible for disaster management shall be the chairperson of the Coordinating Committee and the county officer in charge of disaster management in the department shall be the Secretary.

(4) The Coordinating Committee shall be responsible for—

- (a) coordinating development and implementation of inter sectoral policies, plans and programs related to disaster management;
- (b) developing of common strategy for disaster management;
- (c) advising the County Executive Committee on appropriate policies and programs for disaster management;
- (d) coordinating emergency services in response to any disaster occurring in the county;
- (e) facilitating collaboration with national government on disaster management; and
- (f) carrying any other function as may be assigned by the County Executive Committee.