

SPECIAL ISSUE

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**THE OFFICE OF THE COUNTY PRINTER
BILL, 2014**

A Bill for

AN ACT of Parliament to establish the office of the county printer in each county; to provide for the functions, mandate, management and administration of the office; and for connected purposes

ENACTED by the Parliament of Kenya as follows—

PART I—PRELIMINARY

1. This Act may be cited as the Office of the County Printer Act, 2014 and shall come into operation on such day as the cabinet secretary may, by notice in the *Gazette* appoint, which date shall not exceed ninety days from the date of publication of the Act.

Short title and
commencement.

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

Interpretation.

“authorized officer” means —

- (a) a governor of a county;
- (b) a speaker of a county assembly;
- (c) a clerk of a county assembly;
- (d) a county executive committee member; and
- (e) the chairperson or secretary of an independent board, commission, committee or other body established by law in a county;

“county gazette” means a gazette published by the authority of a county government or a supplement to such gazette;

“county secretary” means the county secretary appointed under section 44 of the County Governments Act;

No.17 of 2012.

“document” means any official proclamation or executive order and includes Bills, Acts, orders, regulations, rules or similar instruments that are issued, prescribed or promulgated by an authorized officer; and

“office” means the office of the county printer established under section 4.

3. The objects and purposes of this Act are to —
 - (a) provide for the establishment of the office of the county printer in each county; and
 - (b) provide for the printing and publication of a county gazette in each county.

Objects and purposes.

PART II—ESTABLISHMENT OF THE OFFICE OF THE COUNTY PRINTER

4. (1) There is established, in each county, the office of the county printer.

Establishment of the office.

(2) The office shall be an office in the office of the county secretary.

5. The office of the county printer shall be responsible for the printing and publication of the county gazette and shall—

Functions of the office.

- (a) publish in the county gazette such documents as are approved by an authorized officer;
- (b) advise the county government on all matters pertaining to printing and publication of documents;
- (c) enter into such partnerships and collaborations with other public sector or private sector printing offices as are necessary for the proper execution of its functions under this Act; and
- (d) perform any other function as may be necessary for the proper execution of its mandate under this Act.

6. In performing its functions under section 5, the office of the county printer shall co-ordinate and liaise with the office of the government printer and shall ensure that there is no duplication in the printing and publication of documents.

Co-ordination and liaison with the office of the government printer.

7. No publication of a county *gazette* shall contain any advertisement inserted by or for any private individual, firm, or corporation or contain any information or material which implies in any manner that the county government endorses or favours any specific commercial product, commodity or service.

Prohibition of advertisement in the county Gazette.

8. (1) The county printer shall publish the county gazette at least once in every week.

Frequency of publishing County Gazette.

(2) The county printer may publish a special issue of the county gazette on the request of an authorized officer at any other time as may be required.

9. (1) The office of the county printer shall be headed by a county printer.

The County
Printer.

(2) The county printer shall be competitively recruited and appointed by the county public service board.

(3) A person shall be appointed as a county printer if the person —

- (a) is the holder of a university degree in a course relevant to matters of printing and publishing from a university recognized in Kenya;
- (b) has knowledge and experience of at least five years in the relevant field; and
- (c) satisfies the requirement of Chapter Six of the Constitution.

(4) The county printer shall be the overall head of the office of the county printer and shall be responsible for the—

- (a) day to day running and operation of the office;
- (b) administration, organization and control of staff of the office;
- (c) management of funds, property and affairs held by the office;
- (d) implementation of policies and programmes of the office and reporting thereon to the county executive committee member;
- (e) development of operational plans for achieving the objectives of the office; and
- (f) performance of any other function necessary for the implementation of this Act or as may be assigned by the county executive committee member.

10. The county public service board shall, in consultation with the county secretary, appoint such number of staff as may be necessary for the proper execution of the functions of the office under this Act.

Staff of the Office
of the County
Printer.

PART III—MISCELLANEOUS PROVISIONS

11. (1) For the avoidance of doubt, nothing in this Act may be construed as providing for or dealing with — Non-money Bill status.

- (a) taxes;
- (b) the imposition of charges on a public fund or the variation or repeal of any of those charges;
- (c) the appropriation, receipt, custody, investment or issue of public money;
- (d) the raising or guaranteeing of any loan or its repayment; or
- (e) matters incidental to any of those matters.

(2) There may be established a fund which shall consist of monies specified under subsection (3).

(3) Any expenses that may be occasioned in the implementation of this Act shall be provided from —

- (a) such gifts, grants or donations as may be given;
- (b) such monies as may, in the future, be provided by the county assembly for defraying the expenses incurred in the implementation of this Act; and
- (c) such other monies that may lawfully accrue in the discharge of the functions under this Act, not being monies accruing pursuant to Article 114 of the Constitution.

12. Subject to the provisions of this Act, the county secretary may, with the approval of the county assembly, make such Regulations as may be necessary to give full effect to the provisions of this Act. Regulations.

MEMORANDUM OF OBJECTS AND REASONS

Statement of the Objects and Reasons for the Bill

The principal object of this Bill is to establish the office of the county printer in each of the forty-seven counties. The establishment of this office is necessitated by the provisions of the County Governments Act, 2012 which makes reference to publication of Bills, Acts and other documentation in a “county gazette”. The Act does not however provide for the establishment of the Office of a County Printer that would publish such gazettes. This Bill therefore seeks to give full effect to the requirement for the publication of county gazettes.

Statement on the delegation of legislative powers and limitation of fundamental rights and freedoms

Clause 11 of the Bill provides that the county secretary may make regulations with the approval of the county assembly. The Bill therefore delegates legislative powers to the county executive member. The Bill does not however limit fundamental rights and freedoms.

Statement on how the Bill concerns county governments

The Bill concerns county governments in terms of Articles 110 (1) (a) of the Constitution in that it contains provisions that affect the functions and powers of the county governments as set out in the Fourth Schedule to the Constitution. The establishment of the office of the county printer in each county will facilitate County Assemblies and the County Executive in the performance of their functions by providing for the publication of various documents in a County *Gazette* as prescribed by the County Governments Act or any other law.

Statement that the Bill is not a money Bill within the meaning of Article 114 of the Constitution

The office of the county printer is proposed to be established as an office in the office of the county secretary. The running costs of this office will therefore be such costs as may be approved in each year by the County Assembly.

Further Clause 10 of the Bill specifically removes the Bill from the ambit of the matters listed under Article 114 of the Constitution. The clause further provides that any expenses that may be occasioned by the implementation of the Act are to be provided from such gifts, grants or donations as may be given or from such monies as the National Assembly may, in the future, provide for the defraying of such expenses.

The Bill also provides that a fund may be established for the purposes of the custody of such funds. The Bill does not therefore appropriate funds

for the implementation of the Act; any appropriation would be effected through separate legislation which would be introduced and enacted in terms of Article 114 of the Constitution.

This Bill is therefore not a money Bill within the meaning of Article 114 of the Constitution.

Dated the 28th October, 2014.

STEPHEN SANG,
Senator.