SPECIAL ISSUE

Kenya Gazette Supplement No. 11 (National Assembly Bills No. 1)

REPUBLIC OF KENYA

KENYA GAZETTE SUPPLEMENT

NATIONAL ASSEMBLY BILLS, 2023

NAIROBI, 9th February, 2023

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Bill for Introduction into the National Assembly—

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THE NATIONAL YOUTH COUNCIL (AMENDMENT) BILL, 2023

A Bill for

AN ACT of Parliament to amend the National Youth Council Act

ENACTED by the Parliament of Kenya, as follows—

Short title.

1. This Act may be cited as the National Youth Council (Amendment) Act, 2023.

Amendment of section 2 of No. 10 of 2009.

2. Section 2 of the National Youth Council Act, (in this Act referred to as "the principal Act"), is amended in by deleting the definition of the term "Minister" and substituting therefore the following definition—

"Cabinet Secretary" means the Cabinet Secretary for the term being responsible for youth affairs."

Amendment of section 5 of No. 10 of 2009.

3. Section 5 of the principal Act is amended in by deleting—

(a) the words "Permanent Secretary wherever its appears and substituting therefore the words "Principal Secretary";

(b) paragraph (g) of subsection (1) and substituting therefore the following new paragraph (g)—

'(g) nine youths nominated through a competitive process by the Cabinet Secretary responsible for youth affairs.

Amendment of section 6 of No. 10 of 2009.

4. Section 6 of the principal Act is amended in paragraph (g) by deleting the words "sub-location" and substituting therefor the word "Ward"

MEMORANDUM OF OBJECTS AND REASONS

Statement of the Objects and Reasons for the Bill

The principal object of this Bill is to amend the National Youth Council Act to depoliticize the membership of the National Youth Council by allowing the competitive recruitment of the youth serving in the council through the office of the County Directors of Youth.

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

This Bill does not delegate legislative powers nor does it limit fundamental rights and freedoms.

Statement of how the Bill concerns county governments

The Bill concerns county governments in terms of Article 110 of the Constitution as it contains provisions that affect the functions and powers of the county governments as set out in the Fourth Schedule to the Constitution.

Statement as to whether the Bill is a money Bill within the meaning of Article 114 of the Constitution

The enactment of this Bill shall not occasion additional expenditure of public funds.

Dated the 6th February, 2023.

JOSHUA CHEPYEGON KANDIE,
Member of Parliament.

Section 2 of No. 10 of 2009 which is intended to be amended—

2 Interpretation

In this Act, unless the context otherwise requires—

"Board" means the Youth Advisory Board established under section 16;

"Council" means the National Youth Council established under section 3;

"financial year" means the period of twelve months ending o the thirtieth June in each year;

"Minister" means the Minister for the time being responsible for youth affairs;

"national youth policy" means a policy on youth formulated by the Ministry for the time being responsible for youth affairs;

"youth" means a person aged between eighteen and thirty-five years.

Section 5 of No. 10 of 2009 which is intended to be amended—

5. Composition of the Council

1. The Council shall consist of—

(a) a chairperson nominated by the Council and appointed by the Minister

(b) the Principal Secretary in the Ministry for the time being responsible for youth affairs or his or her representative appointed in writing;

(c) the Permanent Secretary in the Ministry for the time being responsible for finance or his or her representative;

(d) the Attorney General or his or her representative appointed in writing;

(e) the Permanent Secretary in the Ministry for the time being responsible for education or his or her representative appointed in writing;

(f) the Permanent Secretary in the Ministry for the time being responsible for internal security and provincial administration or his or her representative;

(g) eight youths elected by the youth in such manner as may be prescribed and appointed by the Minister;

(h) not more than eight other youths, of whom at least three shall be of female gender and one shall be a youth with disability, nominated by the National youth congress in such manner as be prescribed and appointed by the Minister;

2. A person shall not be appointed as a Chairperson unless such person—

(a) possesses at least an undergraduate degree from a recognized institution;

(b) has at least three years' experience in youth development matters gained locally or internationally;

(c) has demonstrated ability to provide youth leadership and youth mobilizations

(d) is knowledgeable in, or has actively contributed to the promotion of youth development agenda

(e) is of high integrity, ethical and responsive to the needs and aspirations of the youth; and

(f) is a youth as defined under this Act

3. An appointment under subsection (1)(a), (g) and (h) shall be by name and notice in the Gazette

Section 6 of No. 10 of 2009 which is intended to be amended—

6. Powers of the Council

(1) The Council shall have the powers necessary for the proper performance of its functions under this Act and, in particular but without prejudice to the generality of the foregoing, the Council shall have power to—

(a) enter into contracts;

(b) manage, control and administer its assets in such manner and for such purposes as best promote the purpose for which the Council is established;

(c) receive any gifts, grants, donations or endowments made to the Council or any other moneys in respect of the Council and make disbursements therefrom in accordance with the provisions of this Act;

(d) enter into association with such other bodies or organizations within or outside Kenya as it may consider desirable or

appropriate and in furtherance of the purposes for which it is established;

(e) open banking account or banking accounts for the funds of the Council into which all monies received by the Council shall be paid in the first instance and out of which all payments made by the Council shall be made; and

(f) create branches from the sub-location to the national level such other branches as it may deem necessary or desirable for the promotion of youth empowerment and development.

(2) The Council may, when it considered it necessary or desirable, create or take part in the creation of or otherwise become a member of, or associated with, corporations or other bodies or associations designed to assist or promote youth programmes and initiatives.

(3) The Council may authorize a member or an employee to exercise on its behalf such of its powers as it may from time to time to specify, but the exercise of such powers shall, to the extent required by the Council, be reported within the specified time to a meeting of the Council.