

SPECIAL ISSUE

Kenya Gazette Supplement No. 197 (Senate Bills No. 10)



REPUBLIC OF KENYA

KENYA GAZETTE SUPPLEMENT

SENATE BILLS, 2022

NAIROBI, 29th November, 2022

CONTENT

Bill for Introduction into the Senate—

PAGE

The Office of the County Printer Bill, 2022 149

OFFICE OF THE COUNTY PRINTER BILL, 2022
ARRANGEMENT OF CLAUSES

Clause

PART I – PRELIMINARY

- 1—Short title.
- 2—Interpretation.
- 3—Objects and purposes.

**PART II—ESTABLISHMENT OF THE OFFICE OF
THE COUNTY PRINTER**

- 4—Establishment of the office of the County Printer.
- 5—Functions of the office.
- 6—Prima facie evidence of printed documents.
- 7—Prohibition of advertisements in County *Gazette*.
- 8—Publication of the County *Gazette*.
- 9—Appointment of County Printer.
- 10—Staff of the Office of the County Printer.
- 11—Offences.
- 12—General Penalty.

PART III — MISCELLANEOUS PROVISIONS

- 13— Regulations.

OFFICE OF THE COUNTY PRINTER BILL, 2022

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, 2022.

Short title.

2. In this Act—

Interpretation.

“authorized officer” means —

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

“county executive committee member” means the county executive committee member responsible for matters relating to information;

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

“county printer” means a person appointed under section 9 of the Act as the head the office of the county printer; and

“document” means any official proclamation or executive order and includes a Bill, Act, order, regulation, rule or similar instrument that is issued, prescribed or promulgated by an authorized officer.

3. The objects and purposes of this Act are to —

Objects and purposes.

- (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.

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 county public service.

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 and information as are approved by an authorised officer within seven days of such authorisation;
- (b) advise the county executive and the county assembly 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 coordinate and collaborate with the office of the government printer to facilitate the publication of documents requiring publication in the *Kenya Gazette* published by the office of the government printer in addition to the county *gazette*, ensure efficiency in the publication of documents and information requiring circulation within the respective county and ensure that there is no duplication in the printing and publication of documents.

Collaboration with the Office of the Government Printer.

7. Information published in the county *gazette* shall not include an advertisement published by or for a private individual, firm or corporation or contain any information or material which implies that the county government

Prohibition of advertisement in the county *Gazette*.

endorses or favours a specific commercial product, commodity or service.

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

Publication of
the County
Gazette.

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

(2). For purposes of subsection (1), the office of county printer may publish an electronic version of the *gazette* and such version shall have the same effect as a physical version of the *gazette*.

(3). The county printer shall make available issues of the *gazette* to the National Council for Law Reporting established under section 2 of the National Council for Law Reporting Act.

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 qualify to be appointed as a county printer if the person —

- (a) holds at least a degree in a course relating to printing and publishing from a university recognized in Kenya;
- (b) has knowledge and experience of at least ten years in the relevant field; and
- (c) satisfies the requirements 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 any other written law.

10. The County Public Service Board shall, in consultation with the county secretary and the county printer, appoint such number of staff as may be necessary for the proper execution of the functions of the office of the county printer under this Act.

Staff of the Office of the County Printer.

11. A person who —

Offences.

- (a) fails, without reasonable cause, to —
 - (i) approve the publication of a document required to be published under any written law; or
 - (ii) publish, within the period specified under any written law, a document which has been approved for publication;
- (b) willfully or recklessly, authorises the publication or publishes false or misleading information; or
- (c) without authorisation, alters a document approved for publication, commits an offence and is liable, on conviction, to a fine not exceeding two hundred thousand shillings, or to imprisonment for a term not exceeding six months, or to both.

12. A person who contravenes any provision of this Act for which no penalty is provided is liable, on conviction, to a fine not exceeding one hundred thousand shillings, or to imprisonment for a term not exceeding six months, or to both.

General penalty.

PART III—MISCELLANEOUS PROVISIONS

13. Subject to the provisions of this Act, the county executive committee member 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.

MEMORANDUM OF OBJECTS AND REASONS

Statement of the Objects and Reasons for the Bill

The principle object of the 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.

Article 185(1) of the constitution provides for the legislative authority of county governments in the following terms -

Legislative authority of county assemblies.

185. (1) The legislative authority of a county is vested in, and exercised by, its county assembly.

Article 199 of the Constitution provides that county legislation does not take effect unless it is published in the Gazette and further requires national and county legislation to prescribe additional requirements in respect of the publication of county legislation. In addition, section 23 of the County Government Act provides for the publication of a county legislation in the county Gazette and the Kenya Gazette while section 25 further requires the publication of legislation passed by a county assembly in the county and Kenya Gazette within seven days of assent.

The foregoing provisions require the publishing of county legislation and certain important formal decisions in the county gazette. Section 2 of the Act defines a county gazette to mean *a gazette published by the authority of the county government or a supplement of such gazette.*

Presently county governments rely on the Office of the Government printer to publish their legislation and any other matter required to be published. There is no legislation in place providing for the establishment of the county printer. This Bill therefore seeks to provide a legal framework for the independent publishing of laws and other official documents by the forty seven counties.

Overview of the Bill

The Bill provides the establishment of the office of the county printer as an office in the office of the county executive committee member responsible for matters relating to information. The functions of the office shall be mainly to publish all authorised documents, advise and form partnerships on all matters relating to printing and publishing and ensure

there is no duplication in the printing and publication of documents. It should be noted that documents may be authorised for publication by an authorized officer who include: governor, the Speaker or the Clerk of a County Assembly, County Executive Committee Member or the chairperson or secretary of an independent board or commission at the county.

The Bill further requires the county printer to be competitively recruited by the county public service board based on the possession of a relevant degree experience and compliance with the requirements of integrity under Chapter 6 of the Constitution. The county printer shall be in charge of the day to day management of the office and shall, among other things, appoint staff to the office in consultation with the county secretary, manage the funds of the office, implement policy and operationalize plans.

The Bill proposes that a county gazette be published at least once every week and at any other authorized time. It further proposes to proscribe the publishing of documents for purposes of advertising or for any other commercial gain.

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

Clause 11 of the Bill delegates legislative powers to the County Secretary to make regulations generally for the better carrying into effect of any provisions of this Bill once enacted.

The Bill however does not limit fundamental rights and freedoms.

Statement on how the Bill concerns county governments

The Constitution and the County Governments Act provide for various functions of the different arms of county government. These functions, including the passing of legislation and the making of important executive decisions that enable county governments to discharge their functions as set out under Part 2 of the Fourth Schedule to the Constitution. Article 185(2) of the Constitution limits the legislative authority of county assemblies in the following terms-

A county assembly may make any 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.

This Bill is therefore a Bill concerning county governments in terms of Article 110(1)(a) of the Constitution.

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

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

Dated the 7th November, 2022.

EDWIN SIFUNA,
Senator.