

SPECIAL ISSUE

Kenya Gazette Supplement No 5 (Nairobi County Bills No. 4)



REPUBLIC OF KENYA

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KENYA GAZETTE SUPPLEMENT

NAIROBI CITY COUNTY BILLS, 2021

NAIROBI, 28th April, 2021

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Bill for Introduction into the County Assembly of Nairobi City—

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**THE NAIROBI CITY COUNTY CULTURAL HERITAGE
(AMENDMENT) BILL, 2021**

A Bill for

**AN ACT of the Nairobi City County Assembly to amend the
Cultural Heritage Act, 2017**

ENACTED by the Nairobi City County Assembly, as follows—

PART I—PRELIMINARY

Short title

1. This Act may be cited as the Nairobi City County Cultural Heritage (Amendment) Act, 2021.

Section 9 of the principal Act which it is proposed to amend—

Establishment of a cultural forum

9. (1) The Department shall establish at least one public forum for the purpose of encouraging participation of the community in the cultural activities in the county.

(2) The public forum shall consist of—

- (a) members of the community in whose immediate area a cultural activity under discussion is to take place;
- (b) the official or officials of the departments participating in the organization of the cultural activity;
- (c) a person nominated by the Executive Committee Member; and
- (d) persons representing the interests of—
 - (i) persons with disability;
 - (ii) the gender in minority; and
 - (iii) minority communities in the area.

(3) The forum shall be involved in the organization of any major cultural activity taking place in the county.

(4) A person, organization, group of persons or member of a community may initiate a cultural activity or submit input on any cultural activity under consideration.

(5) A person, organization, group of persons or member of a community initiating a cultural activity shall notify the Department to

enable it determine the magnitude of the activity and, where necessary, to convene the forum.

Section 26 of the principal Act which it is proposed to amend—

2. The Executive Committee Member may make regulations for the better carrying into effect of the provisions of this Act and without prejudice to the generality of the foregoing may prescribe—

- (a) the fees to be charged in respect of any license or permit in accordance with the relevant Act;
- (b) the form of applications for the licence or permit;
- (c) the form of records to be kept;
- (d) hours during which cultural sites may be open to the public;
- (e) conditions subject to which the Department may issue permits for private places of public entertainment, public amenities, camping sites or cultural sites; and
- (f) any matter that the executive member considers necessary for the administration of this Act.

Insertion of section 9A of No. 9 of 2017.

2. Section 9 of the Nairobi City County Cultural Heritage Act, 2017 in this Act referred to as the principal Act is amended by inserting the following new section immediately after Section 9—

Establishment of a Culture Week

9A (1) There is established a week long cultural festival which shall be known as Nairobi City County Culture Week, to be held annually.

- (2) The Objects of the Culture Week shall be to—
 - (a) provide a platform for all the residents of Nairobi County without distinction of race or religion, to provide for the display of cultural heritage, traditional celebrations, creative play, performance of music, drama and dancing and for the exhibition of works and such other purposes generally as may be approved by the Executive Committee Member;
 - (b) celebrate, protect and promote the diversity of the residents of Nairobi City County;
 - (c) safeguard, popularize and protect the cultural heritage of Nairobi County;

- (d) to identify and set aside a day for the annual awards for the best performing ward to ensure prosperity and monitor growth of the wards in the county;
 - (e) such other purposes generally as may be approved by the Executive Committee Member.
- (3) The Executive Committee Member shall gazette the dates for the Cultural week.

Amendment of section 26 of No. 9 of 2017.

3. Section 26 of the principal act is amended by deleting the word “and” at the end of the sentence and by inserting the following new paragraphs immediately after paragraph (e) —

- (ea) the mode of registration and licensing of all participants of the Nairobi City County Culture week.
- (eb) the management and the general administration of the event; and
- (ec) the mode, criteria and management of the award for the best performing ward during the cultural week.

MEMORANDUM OF OBJECTS AND REASONS

The principal object of this Bill is to amend the Nairobi City County Cultural Heritage Act, 2017, to establish the Nairobi City County Culture Week whose objects are to provide a platform for all the residents of Nairobi County for the performance of music, drama and dancing and for the exhibition of works and such other purposes generally as may be approved by the Executive Committee Member.

The Bill also seeks to provide for the modalities and logistics for the preparation for the culture week which include but are not limited to the registration, participation of persons in the culture week and the general administration of the event to ensure its success and to set aside a day during the cultural week for awarding of the best performing ward.

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

The Bill does not limit fundamental rights and freedoms. This Bill delegates legislative powers to the Executive Committee Member responsible for matters relating to cultural heritage.

Statement that the Bill is a money Bill within the meaning of Article 114 of the Constitution

The enactment of this Bill shall occasion additional expenditure of public funds to be provided for through the annual estimates.

Dated the 23rd April, 2021.

SILAS MATARA ONGWAE,
Member of County Assembly.

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