



REPUBLIC OF KENYA

NAIROBI CITY COUNTY ASSEMBLY

THIRD ASSEMBLY – (SECOND SESSION)

ORDERS OF THE DAY

THURSDAY, JUNE 22, 2023 AT 2.30 P.M.

ORDER OF BUSINESS

PRAYERS

1. Administration of Oath
2. Communication from the Chair
3. Messages
4. Petitions
5. Papers
6. Notices of Motion
7. Statement

8. *MOTION – HON. DR. CLEMENT NG'ANG'A KAMARU, MCA.

Subject: Introduction of a community service for all the drink and drive convictions in the County Mortuary facilities for deterrence.

AWARE that Article 183 (3) (c) of the Constitution of Kenya, 2010 provides that County Executive Committee shall *inter-alia* implement, within the county, national legislation to the extent that the legislation so requires; **NOTING** that Section 44 of the Traffic Act (Cap 403) provides that any person who, when driving or attempting to drive, or when in charge of a motor vehicle on a road or other public place, is under the influence of drink or a drug to such an extent as to be incapable of having proper control of the vehicle, shall be guilty of an offence and liable to a fine not exceeding one hundred thousand shillings or to imprisonment for a term not exceeding two years or to both; **FURTHER NOTING** that Section 4 (2) (d) of the National Transport and Safety Authority, 2012 dictates that the Authority while performing its functions under the Act, shall develop and implement road safety strategies; **DEEPLY CONCERNED** that despite the existing statutory provisions, regulations and mitigations on road safety towards deterrence of drunk driving, road carnage as a result of same remains on the rise in the County and Country at large, covering 32% of all the

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reported road accidents, with such cases recorded on late nights in the weekends; **ACKNOWLEDGING** the need for a multi-agency approach towards deterrence of drunk driving by introduction of community service for the offenders as a way of changing of attitude and bring awareness of the eminent risk of loss of life associated with such unlawful and unethical act; **FURTHER ACKNOWLEDGING** the need for collaborative approach by the National Government, the Judiciary and the County Government as provided for in Article 189 of the Constitution of Kenya, 2010 in mitigating the drunk driving behavior in the County; this **ASSEMBLY URGES** that the County Executive moves with speed and:-

1. Partner with the National Transport and Safety Authority and the Judiciary through the City Courts towards introduction of a mandatory post-conviction Community service for all the Drink and Drive case in the County;
2. Provide for Community service to be conducted in the existing Nairobi City County Mortuary facilities focusing on administrative and compound cleaning duties under the supervision and clearance by the facility's chief administrator;
3. Undertake a sensitization talk from the facility's chief administrator on the risk associated with drink and drive and information on death cases as result of drunk driving; and,
4. Develop a policy that would see the introduction of the Community Services for the convicted drunk and drive cases in the County.

NOTICES

I. The Assembly resolved on Tuesday, 21st February, 2023 as follows: -

- a) **THAT**, each speech in a debate on any **Motion**, including a Special motion be limited in the following manner:-A maximum of three hours with not more than twenty (20) minutes for the Mover and ten (10) minutes for each other Member speaking, except the Leader of the Majority Party and the Leader of the Minority Party, who shall be limited to a maximum of fifteen (15) minutes each, and that ten (10) minutes before the expiry of the time, the Mover shall be called upon to reply; and that priority in speaking be accorded to the Leader of the Majority Party, the Leader of the Minority Party and the Chairperson of the relevant Sectoral Committee, in that Order.

* Denotes Orders of the Day*

NOTICE PAPER I

Tentative business for Tuesday, 27th June, 2023 at 2.30p.m.

(Published pursuant to Standing Order 41(1))

IT IS NOTIFIED that the Select Committee on Assembly Business, at its last meeting, approved the following ***tentative*** business to appear in the Order Paper for Tuesday, 27th June, 2023 at 2.30 p.m.: -

A. *MOTION – HON. SOSPETER MUMBI, MCA

Subject: *Installation of Speed limit signs and Increase Pedestrian Cross on the County Roads*

THAT, aware that under Article 186 (1) of the Constitution of Kenya, and paragraph 5 of the Second Part of the Fourth Schedule to the Constitution, the functions and powers of County Government, among others, include County transport which includes county roads, street lighting, public road transport traffic and parking; **further aware that** the City has designated preferential zebra crossing throughout the City County roads; **noting that** recent years have witnessed a marked increase in the number of vehicles plying various routes in the County as well as increased pedestrian population; **concerned that** most county roads have limited marked speed limits and zebra crossing which has led to increased traffic congestion and accidents including deaths to pedestrians caused by speeding motorists; **further noting that** the few available legal speed limits and zebra crossing points were done long time ago when the City had few vehicles and pedestrians population, this Assembly urges the County Executive to:-

1. undertake an audit of County Roads with a view to redesignate more speed limit areas and increase designated pedestrian cross where necessary and rehabilitate the existing ones with visible signs to ease traffic flow and minimize road carnage across all County Roads; and
2. enforce the speed limits and other traffic rules with the aid of modern technology.

