

GOVERNMENT OF NAIROBI CITY COUNTY



Paper laid by Hon
Anthony Kiragu on
14/2/24 @ 2.30pm
[Signature]
8/2/24
14/2/24

THE NAIROBI CITY COUNTY ASSEMBLY

OFFICE OF THE CLERK

THIRD ASSEMBLY

(THIRD SESSION)

NCCA/TJ/PL/2024(1)

14TH FEBRUARY 2024

PAPER LAID

SUBJECT: REGULATIONS

Pursuant to Section 11 of the Statutory Instruments Act, 2013 and Standing Order 208 (2), I beg to lay the following Paper on the Table of this Assembly, today Wednesday 14th February 2024:

— THE PUBLIC FINANCE MANAGEMENT ACT (NAIROBI CITY COUNTY FESTIVALS FUND) REGULATIONS, 2023.

(The Chairperson, Select Committee on County Finance, Budget and Appropriations)

Copies to:

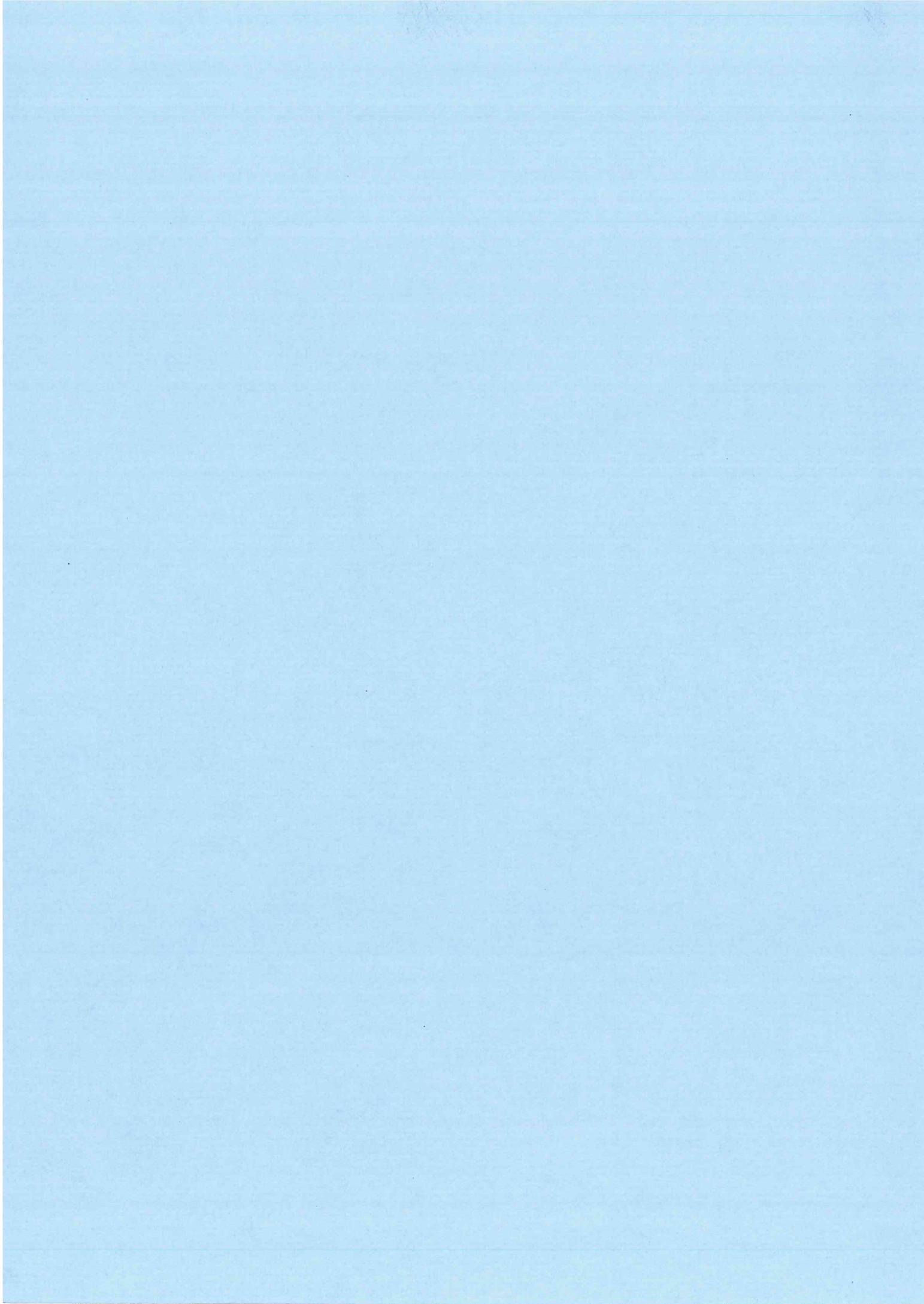
The Speaker

The Clerk

Hansard Editor

Hansard Reporters

The Press





NAIROBI CITY COUNTY

www.nairobi.go.ke

OFFICE OF THE GOVERNOR

County Secretary and Head of County Public Service

NCC/CECM/IPPCS/PBS/9(75)

5th December, 2023

The Clerk
Nairobi City County Assembly
P.O. Box 45844-00100
NAIROBI



RE: THE PUBLIC FINANCE MANAGEMENT ACT (NAIROBI CITY COUNTY FESTIVALS FUND) REGULATIONS, 2023

Attached please find a signed copy of the Public Finance Management Act (Nairobi City County Festivals Fund) regulations, 2023 for onward submission to the Select Committee on Delegated Legislation for implementation.

PATRICK ANALO AKIVANGA, Regd. Physical Planner
Ag. COUNTY SECRETARY AND HEAD OF COUNTY PUBLIC SERVICE

Copy to: H.E. The Governor
Nairobi City County

H.E. The Deputy Governor
Nairobi City County

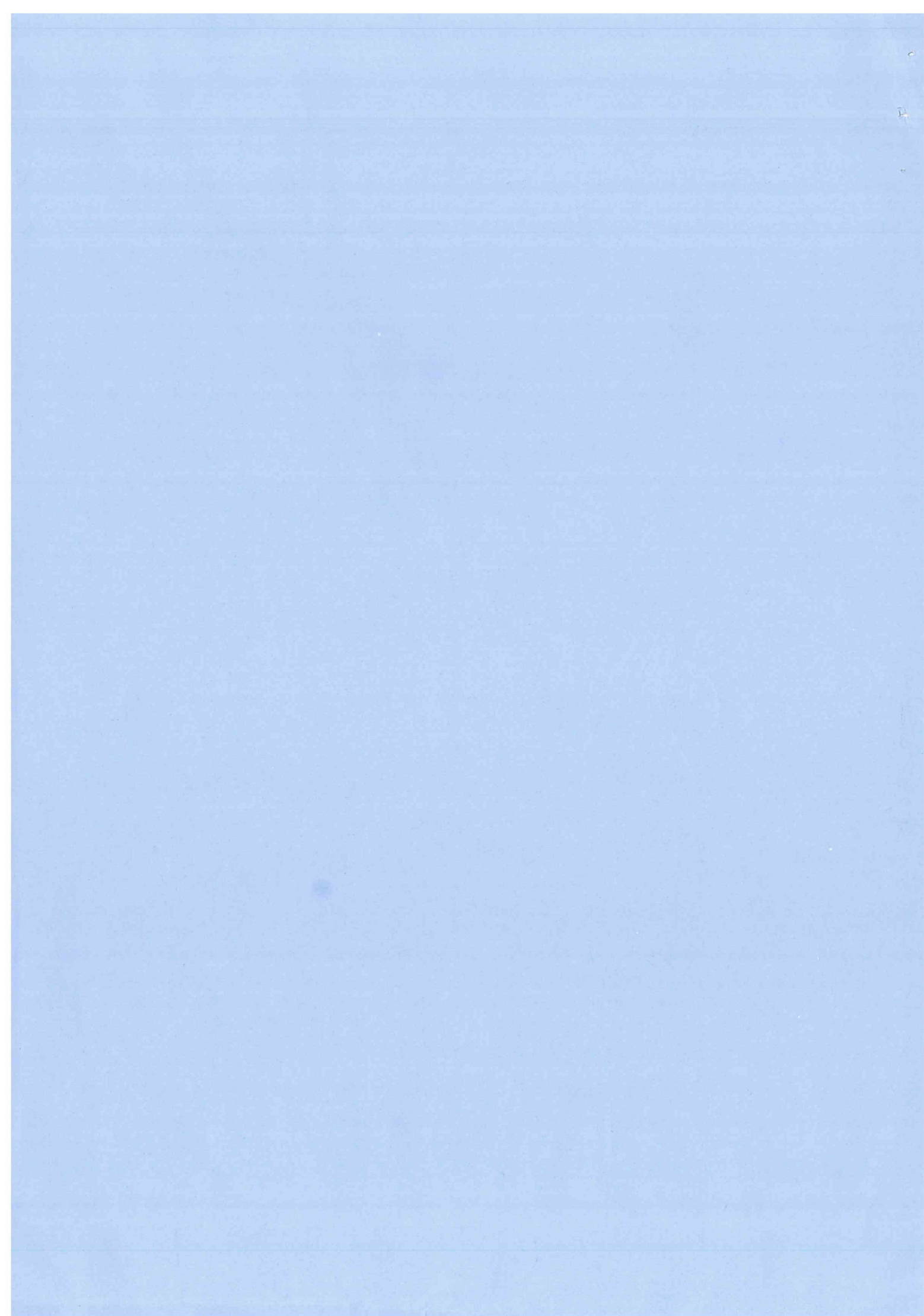
County Executive Member Committee
Inclusivity, Public Participation and Customer Service

① AG PCA
Kindly table this before the committee for deliberation.
11/12/2023

LET'S MAKE **NAIROBI** WORK

③ SCA - Delegated
Adam
Rung
Kindly table before the Committee for consideration and reporting
11/12/2023

① Del
Kindly deal
11/12/2023



SPECIAL ISSUE

Kenya Gazette Supplement No

Date

(Nairobi City County Legislative Supplement No)

Legal Notice No.....

THE PUBLIC FINANCE MANAGEMENT ACT

(No. 18 of 2012)

**THE PUBLIC FINANCE MANAGEMENT ACT (NAIROBI CITY COUNTY FESTIVALS
FUND) REGULATIONS, 2023.**

ARRANGEMENT OF REGULATIONS

Regulation

PART I – PRELIMINARY

- 1 – Citation
- 2 – Interpretation

PART II – ESTABLISHMENT OF THE FUND

- 3 – Establishment of the fund
- 4 - Object and Purpose of the fund
- 5 – Source of the fund

PART III – ADMINISTRATION OF THE FUND

- 6 – County Festivals Steering Committee
- 7 – Administration of the fund

PART IV – OFFENCES AND PENALTIES

- 8 – Misappropriation of Funds

PART VI – GENERAL PROVISIONS

- 9 – Winding up the Fund
- 10 – Review

THE PUBLIC FINANCE MANAGEMENT ACT

(No. 18 of 2012)

IN EXERCISE of the powers conferred by section 116 of the Public Finance Management Act, 2012, the Nairobi City County Executive Committee Member for Finance and Economic Planning makes the following Regulations -

THE PUBLIC FINANCE MANAGEMENT (NAIROBI CITY COUNTY FESTIVALS FUND) REGULATIONS, 2023

PART 1 – PRELIMINARY

Citation

1. These Regulations may be cited as the Public Finance Management Act (Nairobi City County Festivals fund) Regulations, 2023 and shall come into operation on the date of publication.

Interpretation

2. In these Regulations, unless the context otherwise requires—

“Beauty pageant” means a competition that is focused on judging and ranking the physical attributes of the contestants;

“Committee” means the County Festivals Steering Committee established under Regulation 6 of these Regulations.

“County” means Nairobi City County;

“County Assembly” means County Assembly of Nairobi City County;

“County Exchequer Account” means the County Revenue Fund pursuant to Article 207 of the Constitution of Kenya, 2010;

“Exhibition” means an event in which works of art such as paintings or items of interest are showcased for the public or for an exclusive group of people, a situation in which someone shows a particular skill or quality to the public, or the act of showing these things;

“Executive Committee Member” means Nairobi City County Executive Committee Member for the time being in charge of Festivals;

“Fair” means an event in which people gather either to carry out commercial activities or for entertainment;

“Festival” means an organized set of special events, such as musical performances or plays, usually happening in one place, or a special day or period, organized by the Nairobi County Government, with its own social activities, food, or ceremonies;

“Fund” means the Nairobi City County Festivals Fund established under Regulation 4; of the Public Finance Management Act, 2012;

“Partnership” means an agreement by Nairobi City County that allows exchange of money or services/products (in kind) for the right to be associated with a company/brand;

“Photo shoot” means a photography session and especially one in which a professional photographer takes photographs of someone or something for commercial use;

“Street music” means any kind of live musical performance in a public place;

“Sponsorship” means an agreement between Nairobi City County and entities that pool their resources together to offer a product or a service;

“Video shoot” means the system of recording films and events on tape so that people can watch them on a television set.

PART II – ESTABLISHMENT OF THE FUND

Establishment of the fund

3. There is established a Fund to be known as the Nairobi City County Festivals Fund.

Object and purpose of the Fund

4. The object and purpose of the fund is to provide a framework to enable faster, transparent, and accountable release of funds for organizing, coordinating and implementation of all festivals in the county for the promotion of city culture, Arts and tourism and other connected purpose.

Sources of the Fund

5. The Fund shall consist of –
 - (a) monies appropriated by the County Assembly and standing to the credit of the account on the date of coming into operation of these Regulations;
 - (b) sums received from the festival entry fee charges;
 - (c) sums received from the vendor charges;
 - (d) sums received as contributions, gifts or grants; and
 - (e) all other sums of money that may in any manner become payable to or vested in the fund.

PART III – ADMINISTRATION OF THE FUND

Establishment of the County Festivals Steering Committee

6. (1) There is established a committee to be known as the County Festivals Steering Committee which shall consists of –
 - (a) the County Executive Committee Member for the time being responsible for festivals who shall be the Chairperson;
 - (b) the County Chief Officer for the time being in charge of Finance;

- (c) the County Chief Officer for the time being responsible for City Culture, Arts and Tourism;
 - (d) the County Attorney;
 - (e) the Director City Culture, Arts and Tourism;
 - (f) sector Accountant;
 - (g) sector Procurement Officer;
 - (h) Director for the time being in charge of communication; and
 - (i) an officer administering the Fund appointed by the Executive Member for Finance who shall be an ex- official member of the Committee and the Secretary to the Committee.
- (2) The persons appointed under regulation 6 shall hold office for the term of their appointment.
- (3) The Committee may co-opt any person or public officer whose knowledge or experience is necessary for the issue under discussion. A person who is co-opted shall not vote at a meeting and shall only be a member of the committee for a period not exceeding one year.
- (4) The members of the committee shall attend the Committee's meetings in person and may designate in writing an officer to represent them in sub-committees of the Committee.
- (5) There shall be established a secretariat appointed by the officer Administering the Fund to perform the operational functions of the Committee.
- (6) The Committee shall be responsible for –
- (a) Supervising and overseeing the administration of the fund;
 - (b) Establishing management guidelines for the Fund;
 - (c) entering into partnerships with other persons, bodies or organizations within or outside Kenya as they may consider appropriate in furtherance of the objects and purpose for which the Fund is established;

- (d) monitoring and evaluating the implementation and performance of the Fund;
 - (e) reviewing and approving the financial statements of the Fund prior to submission to the Auditor General; and
 - (f) carrying out any other function that may be conferred under these regulations.
- (7) The meetings of the Committee shall be convened by the Chairperson.
- (a) in the absence of the Chairperson a member of the Committee designated by the chairperson and shall be convene and chair such meetings at such times as may be necessary for the discharge of its functions.
- (8) The quorum for a meeting of this committee shall be the Chairperson and any other three members.
- (9) The decisions of the committee shall be by a simple majority of the members present and voting and in case of equality in voting the chairperson shall have a casting vote.
- (10) Except as provided in this regulation, the Committee may regulate its own procedure.
- (11) The Committee shall maintain a proper record of its meetings including minutes, in such manner as it may determine.
- (12) There shall be paid to the members of the committee such remuneration or allowances as the CECM -in charge of finance and economic planning may, in consultation with the Salaries and Remuneration Commission determine.

Administration of the Fund

7. (1) There shall be an Officer Administering the Fund who shall be appointed by the Executive Committee Member for the time being responsible for finance and Economic Planning.

(2) The Committee shall retain 3% of the allocation of the fund for administration expenses.

(3) The Officer Administering the Fund shall be under the general direction of the Committee and will -

- (a) supervise and control the administration of the Fund;
- (b) utilize the interest accruing thereof, defray operating expenses and may impose any reasonable restriction or other requirements concerning such use;
- (c) cause to be kept books of accounts and other books and records in relation to the Fund;
- (d) ensure that the fund is not overdrawn at any particular time;
- (e) prepare, sign and transmit to the Auditor General in respect of each financial year and within three (3) months after the end thereof, a statement of accounts relating to the Fund, prepared and signed by him specifying the income of the Fund and showing the expenditure incurred from the Fund, in such details as the Committee may from time to time direct in accordance with Public Finance Management Act, 2012;
- (f) present the financial statement to the County Assembly in accordance with the Public Management Act 2012;
- (g) furnish such additional information as may be required for the purposes of examination and audit by the Auditor General; and
- (h) be the liaison point between the Committee and third parties.

PART IV – OFFENCES AND PENALTIES

Misappropriation of funds

8. A person who misappropriates any funds or assets from the Fund or assists or causes any person to misappropriate or apply the funds otherwise than in any manner provided in these regulations, commits an offence and shall, upon conviction, be liable to imprisonment and/or a fine provided for under the relevant laws and regulations.

PART V - GENERAL PROVISION

Winding up of the Fund

9. In the event of winding up the Fund –

- (a) the administrator of the fund shall pay any amount remaining in the fund into the County Exchequer Account; and
- (b) the County Executive Committee member for finance shall, with the approval of the county assembly, pay any deficit in the fund from the County Exchequer Account.

Review

10. The Committee may from time to time recommend to the Nairobi City County Executive Committee Member for Finance and Economic Planning any review of these regulations.

DATED at Nairobi City County thisday of 2023.



.....
CHARLES KERICH

***County Executive Committee Member
For Finance and Economic Planning***

SPECIAL ISSUE

Kenya Gazette Supplement No

Date

(Nairobi City County Legislative Supplement No)

Legal Notice No.....

THE PUBLIC FINANCE MANAGEMENT ACT

(No. 18 of 2012)

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Citation

1. These Regulations may be cited as the Public Finance Management Act (Nairobi City County Festivals fund) Regulations, 2023 and shall come into operation on the date of publication.

Interpretation

2. In these Regulations, unless the context otherwise requires—

“Beauty pageant” means a competition that is focused on judging and ranking the physical attributes of the contestants;

“Committee” means the County Festivals Steering Committee established under Regulation 6 of these Regulations.

“County” means Nairobi City County;

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“Exhibition” means an event in which works of art such as paintings or items of interest are showcased for the public or for an exclusive group of people, a situation in which someone shows a particular skill or quality to the public, or the act of showing these things;

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Object and purpose of the Fund

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PART V - GENERAL PROVISION

Winding up of the Fund

9. In the event of winding up the Fund –

- (a) the administrator of the fund shall pay any amount remaining in the fund into the County Exchequer Account; and
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DATED at Nairobi City County thisday of 2023.



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CHARLES KERICH

***County Executive Committee Member
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DATED at Nairobi City County thisday of 2023.



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CHARLES KERICH

***County Executive Committee Member
For Finance and Economic Planning***