

GOVERNMENT OF NAIROBI CITY COUNTY



Paper Laid by Hon. Speaker  
Akona on Tuesday  
29/10/2024

THE NAIROBI CITY COUNTY ASSEMBLY

OFFICE OF THE CLERK

THIRD ASSEMBLY

(THIRD SESSION)

NCCA/TJ/PL/2024(60)

29<sup>TH</sup> OCTOBER 2024

PAPER LAID

SUBJECT: REPORT OF A COMMITTEE

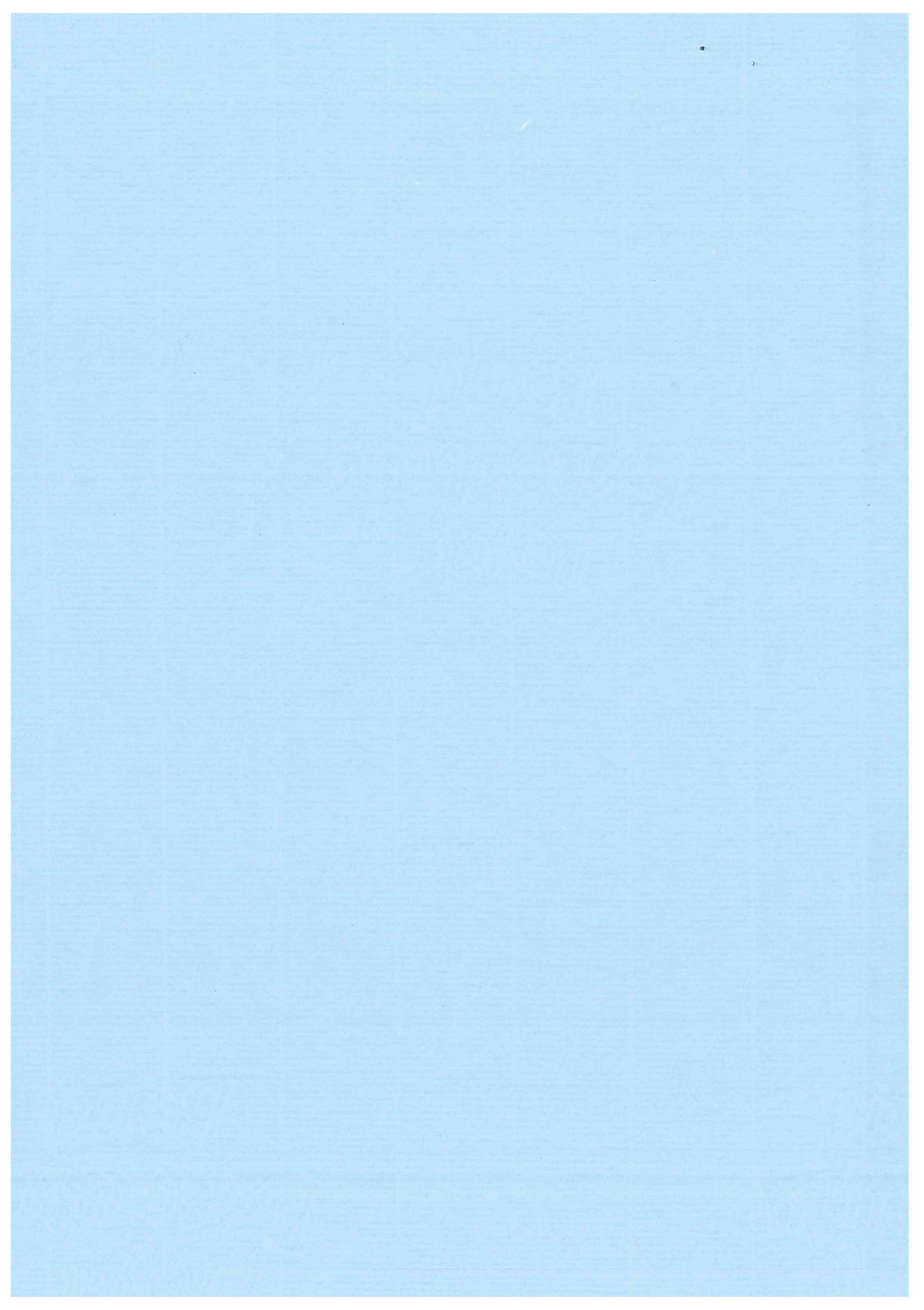
Pursuant to Standing Orders 196, I beg to lay the following Paper on the Table of this Assembly, today Tuesday 29<sup>th</sup> October 2024:

- i) **THE REPORT OF THE SECTORAL COMMITTEE ON JUSTICE AND LEGAL AFFAIRS ON WORKSHOP HELD FROM 3<sup>RD</sup> TO 6<sup>TH</sup> SEPTEMBER 2023 IN MOMBASA COUNTY.**

*(Chairperson of the Sectoral Committee on Justice and Legal Affairs)*

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COUNTY GOVERNMENT OF NAIROBI CITY



NAIROBI CITY COUNTY ASSEMBLY  
THIRD ASSEMBLY–THIRD SESSION

REPORT  
OF THE SECTORAL COMMITTEE ON  
JUSTICE AND LEGAL AFFAIRS  
ON

WORKSHOP HELD FROM 3<sup>RD</sup> TO 6<sup>TH</sup> SEPTEMBER 2023 IN MOMBASA COUNTY

Clerk's Chambers  
City Hall Buildings  
NAIROBI

June, 2024

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## 1.0. PREFACE

### 1.1. Establishment and Mandate

Hon. Speaker,

The Sectoral Committee on Justice and Legal Affairs is established pursuant to the Standing Order 209, the Committee's mandate amongst others, as outlined under Standing Orders 209 (6) is to:

- a. investigate, inquire into, and report on all matters relating to the mandate, management, activities, administration, operations and estimates of the assigned departments;
- b. study the programme and policy objectives of departments and the effectiveness of the implementation;
- c. study and review all county legislation referred to it;
- d. study, assess and analyze the relative success of the departments as measured by the results obtained as compared with their stated objectives;
- e. investigate and inquire into all matters relating to the assigned departments as they may deem necessary, and as may be referred to them by the County Assembly;
- f. to vet and report on all appointments where the Constitution or any law requires the County Assembly to approve, except those under Standing Order 202 (Committee on Appointments); and
- g. Make reports and recommendations to the County Assembly as often as possible, including recommendation of proposed legislation.

### 1.2. Committee Membership

The Committee Membership comprises of:

- 1) Hon. Jared Akama Ondieki, MCA – Chairperson
- 2) Hon. Suleiman Hamisi Maleya, MCA – Vice Chairperson
- 3) Hon. Fathiya Abdilahi Mohamed, MCA
- 4) Hon. Peter Owera, MCA
- 5) Hon. Maurice Ochieng, MCA
- 6) Hon. Perpetua Mponjiwa, MCA

- 7) Hon. Hellen Awuor, MCA
- 8) Hon. Ami Perez, MCA
- 9) Hon. Silas Matara Ong'wae, MCA
- 10) Hon. Agnes Wambui, MCA
- 11) Hon. Asli Mohamed, MCA
- 12) Hon. Emmy Khatemeshi, MCA
- 13) Hon. Clarence Munga, MCA
- 14) Hon. Mwaura Samora, MCA
- 15) Hon. Diana Katile Mwangagi, MCA
- 16) Hon. Virginia Kang'ethe, MCA
- 17) Hon. Clement Ng'ang'a, MCA Hon.
- 18) Deonysias Mwangi, MCA
- 19) Hon. Joseph Ndungu, MCA
- 20) Hon. Francis Kimondo, MCA
- 21) Hon. Doreen Mugendi, MCA
- 22) Hon. Stephen Kimani Mugo, MCA
- 23) Hon. Anthony Kiragu, MCA

**Hon. Speaker,**

The Sectoral Committee on Justice and Legal conducted a comprehensive two-day workshop from 3<sup>rd</sup> to 6<sup>th</sup> September 2023 in Mombasa County. During the workshop members were taken through the provision of

- I.) An overview of the Nairobi City County Inspectorate Service Act, 2017.
- II.) Provide an overview of the Nairobi City County Office of the County Attorney Act, 2017.

### **Acknowledgment**

**Hon Speaker,**

The Committee wishes to extend its gratitude to the Offices of the Speaker and the Clerk of the County Assembly for their invaluable logistical support throughout the execution of


its mandate. Additionally, the Committee acknowledges the Secretariat for their contributions during and after the workshop and for their role in compiling this report.

In conclusion, on behalf of the Sectoral Committee on Justice and Legal, I am pleased to present this retreat report to the Assembly, as stipulated in the County Assembly Standing Orders.

Signed  .....

Hon. Jared Akama, MCA

Chairperson

Date  .....

## 2.0. PROCEEDINGS OF THE WORKSHOP

Day 1:

### 2.1. Introduction

The workshop commenced with participants arriving and completing the registration process, during which they received necessary materials. Following registration, introductions were made to promote a collaborative atmosphere, allowing each participant to briefly outline their role and expectations. The chairperson delivered opening remarks, expressing gratitude and emphasizing the importance of the workshop's focus on the Nairobi City County Inspectorate Service Act, 2017, and the Nairobi City County Office of the County Attorney Act, 2017. The objectives and context of the workshop were outlined, aiming to enhance participants' understanding of the relevant legislation, its implementation processes, and associated regulations.

### 2.2. Overview of the Nairobi City County Inspectorate Service Act, 2017

**Part I - Object of the Act:** The workshop proceeded with a detailed examination of Part I of the Nairobi City County Inspectorate Service Act, 2017, which outlined the Act's purpose and objectives. Participants explored the objectives in depth, discussing their implications for effective committee management and administration.

**Part II - The Inspectorate Service:** Participants delved into Part II of the Act, which focused on the establishment and structure of the Inspectorate Service. Discussions centered on the roles, responsibilities, and powers of the Inspectorate Service, as well as the coordination and collaboration with other relevant agencies.

**Part III - Inspections:** This section of the Act was thoroughly examined, with a particular focus on the procedures and requirements for conducting inspections. Participants engaged in discussions on the legal framework surrounding inspections, including the powers of inspectors and the rights and obligations of the inspected parties.

**Part IV - Offences:** The workshop shifted its focus to Part IV of the Act, which outlined various offenses and their corresponding penalties. Participants discussed the importance of enforcement and the role of the Inspectorate Service in ensuring compliance with the Act.

**Part V - Provisions on Delegated Powers:** Participants explored Part V, which dealt with provisions regarding delegated powers. This section highlighted the authority granted to the Inspectorate Service and the mechanisms in place to ensure proper exercise of those powers.



**Review of the Act - Post-enactment:** In the final segment of this topic, participants reviewed the implementation of the Act, including any challenges faced and the development of associated regulations. The discussion also touched on the need for continuous monitoring and evaluation of the Act's effectiveness.

### **2.3. Plenary general observations**

The examination of the Nairobi City County Inspectorate Service Act, 2017, during the workshop, revealed a comprehensive legal and administrative framework. Part I illuminated the Act's purpose and objectives, fostering discussions on their implications for effective committee management and administration. In Part II, participants delved into the establishment and structure of the Inspectorate Service, emphasizing roles, responsibilities, and collaboration with relevant agencies. Part III's focus on inspections addressed procedural aspects and legal frameworks, including inspector powers and the rights of inspected parties. Transitioning to Part IV, discussions revolved around offenses and penalties, underscoring the role of the Inspectorate Service in enforcement and compliance. Part V shed light on delegated powers, emphasizing the authority granted to the Inspectorate Service and the accompanying checks and balances. The post-enactment review highlighted insights into implementation challenges, the development of regulations, and the necessity for ongoing evaluation to ensure the Act's effectiveness. Overall, the workshop provided valuable legal and administrative perspectives, enriching participants' understanding of the Inspectorate Service Act and its practical implications.

## **DAY 2:**

### **2.4. Overview of the Nairobi City County Office of the County Attorney Act, 2017**

#### **Part I - Preliminary:**

In this section, the purpose and scope of the legislation were discussed. The preliminary part typically includes introductory elements, definitions, and the overarching intent of the Act. Participants likely delved into the foundational aspects of the law, gaining insights into the reasons behind its creation and its intended impact on the governance structure of Nairobi City County.

#### **Part II - Administrative Structures and Processes:**

The workshop transitioned into Part II, where the committee gained insights into the administrative structures and processes governing the County Attorney's office. This section would have covered details about how the office is organized, the hierarchy, roles, and responsibilities of various positions within the County Attorney's office. Understanding the administrative backbone is crucial for effective implementation and coordination.

### **Part III - Functions and Responsibilities of the County Attorney:**

Part III further enriched the committee's understanding by exploring the specific functions and responsibilities assigned to the County Attorney. This could include legal advisory roles, representation of the county in legal matters, and any other duties outlined in the legislation. Participants likely discussed the practical implications of these responsibilities in the context of Nairobi City County.

### **Part IV - Appointment and Terms and Conditions of Service:**

Part IV focused on the appointment process and the terms and conditions of service for County Legal Counsel. Discussions would have revolved around the criteria for appointment, the roles expected of legal counsel, and the stipulated terms of service within the county. This section is crucial for ensuring the competence and accountability of legal professionals serving in the County Attorney's office.

### **Part V - Miscellaneous Provisions:**

The workshop explored Part V, which covers miscellaneous provisions. This section typically includes additional details that are essential for the effective operation of the County Attorney's office but may not fit neatly into the preceding categories. It could encompass matters such as funding mechanisms, reporting requirements, or any other supplementary information crucial for the successful implementation of the Act.

#### **2.5. Plenary and general observation**

The final segment focused on reviewing the Act post-enactment, emphasizing the practical aspects of implementation and the development of regulations associated with the legislation. This discussion provided the Committee with valuable insights into challenges faced during implementation and the need for continuous monitoring and evaluation to ensure the Act's effectiveness. Overall, the Committee acquired a comprehensive understanding of the Nairobi City County Office of the County Attorney Act, 2017, covering its foundational elements, administrative structures, legal counsel appointment processes, miscellaneous provisions, and post-enactment considerations.

### **3.0. CONCLUSION AND WAY FORWARD**

The committee having considered its two Acts on the Nairobi City County Inspectorate Service Act, 2017, and the Nairobi City County Office of the County Attorney Act, 2017, concluded its two day workshop resolved as follows;

#### **1. Establish a Continuous Training Program:**

Given the complexity and evolving nature of legal frameworks, it is recommended that the committee institutes a continuous training program. Regular sessions, workshops, or webinars can be organized to keep committee members abreast of any amendments, new regulations, or legal developments relevant to the Nairobi City County Inspectorate Service Act, 2017, and the Nairobi City County Office of the County Attorney Act, 2017.

#### **2. Form a Sub-Committee for Regulatory Monitoring:**

Recognizing the importance of continuous monitoring and evaluation, a sub-committee should be formed to specifically focus on tracking the implementation of regulations associated with both Acts. This sub-committee can regularly report on the effectiveness of these regulations, highlighting areas of success and proposing adjustments where challenges persist.

#### **3. initiate Collaborative Engagements with Relevant Agencies:**

In light of discussions around the coordination and collaboration aspects highlighted in the Inspectorate Service Act, the committee is encouraged to initiate collaborative engagements with relevant agencies. Establishing regular forums for inter-agency communication and cooperation will contribute to a more efficient and effective implementation of the Acts.

#### **4. Develop a Framework for Committee Roles and Responsibilities:**

To enhance Committee management and administration, it is advisable to develop a clear framework outlining the roles and responsibilities of committee members. This document should be comprehensive, specifying individual duties and collective responsibilities in relation to the oversight and application of both

Acts. This framework will serve as a guiding document for effective committee functioning.

5. These recommendations aim to fortify the Committee's capacity, foster inter-agency collaboration, and establish a robust framework for continuous improvement. Implementation of these suggestions will contribute to the committee's effectiveness in overseeing and ensuring compliance with the legislations under review.