

GOVERNMENT OF NAIROBI CITY COUNTY



THE NAIROBI CITY COUNTY ASSEMBLY

OFFICE OF THE CLERK

5<sup>TH</sup> SESSION

NBI CA. PLC. 2017 / (044)

8<sup>th</sup> June, 2017


PAPER LAID

Pursuant to Standing Order 180 (6) I beg to lay the following Paper on the Table of the Assembly, today Thursday 8<sup>th</sup> June, 2017.

THE REPORT OF THE SECTORAL COMMITTEE ON JUSTICE AND LEGAL AFFAIRS ON  
THE CONSIDERATION OF THE INSPECTORATE SERVICE BILL, 2017

(Chairperson, Sectoral Committee on Justice and Legal Affairs)

Copies to:  
The Speaker  
The Clerk  
Hansard Editor  
Hansard Reporters  
The Press

Approved  
Hosi Deputy Speaker  
  
8/06/017.



# NAIROBI CITY COUNTY ASSEMBLY



FIRST ASSEMBLY – FIFTH SESSION

## THE SECTORAL COMMITTEE ON JUSTICE AND LEGAL AFFAIRS

COMMITTEE'S CONSIDERATION

OF THE

NAIROBI CITY COUNTY INSPECTORATE SERVICES BILL, 2017

Clerk's Chambers,  
CITY HALL,  
NAIROBI.

*Approved*  
*Hon. Deputy Speaker*  
*[Signature]*  
*8/06/2017*  
June 2017







## 1.0 PREFACE

On behalf of the Members of the Sectoral Committee on Justice and Legal Affairs Committee pursuant to the provisions of Standing Order No. 180, it is my pleasure and duty to present to the Assembly, the Committee's Report on the consideration of the Nairobi City County Inspectorate Service Bill, 2017 (Bill No. 1 of 2017).

### 1.1 Committee mandate

The Sectoral Committee on Justice and Legal Affairs is one of the Committees of the Nairobi City County Assembly established under Standing Order 191 whose mandate, pursuant to the Standing Order 191 (5) is to, among others:-

- 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 programmes 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 its 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) vet and report on all appointments where the Constitution or any law requires the County Assembly to approve, except those under Standing Order 185(Committee on Appointments); and*
- g) Make reports and recommendations to the County Assembly as often as possible, including recommendation of proposed legislation.*

In accordance with the Second Schedule of the Standing Orders (191), the Committee is mandated to consider matters of constitutional affairs, the administration of law and justice, including the elections, ethics, integrity and anticorruption and human rights and also oversees the following sectors in the Executive, namely: -

- i. General Administration and support services;
- ii. City Inspectorate;
- iii. Security and Compliance;
- iv. Legal Affairs Department; and,
- v. Office the County Attorney.

### 1.2 Committee Membership

The Committee on Justice and Legal Affairs was constituted by the Assembly on Tuesday 30<sup>th</sup> April, 2013 comprising of the following Members:-

1. Hon. Jaffer Kassam, MCA - Chairperson
2. Hon. Moses Nyangaresi, MCA - Deputy Chairperson
3. Hon. Peter Migwi, MCA
4. Hon. Stephen. K Thuo, MCA





5. Hon. Muchiri Mwaniki, MCA
6. Hon. Maurice Akuk, MCA
7. Hon. Elkana Mauti, MCA
8. Hon. Martin Karanja, MCA
9. Hon. Jacqueline Awino, MCA
10. Hon. Martin Karanja Kingethu, MCA
11. Hon. Njoroge G. Maina, MCA
12. Hon. Jackson Kiama, MCA
13. Hon. Elias Otieno, MCA
14. Hon. David Mberia, MCA
15. Hon. Dorcas Njoroge, MCA
16. Hon. Mercy Kariuki, MCA
17. Hon. Jane Muasya, MCA

### **1.3 Nairobi City County Inspectorate Services Bill, 2017**

The Nairobi City County Inspectorate Services Bill, 2017 (Bill no. 1 of 2017) sponsored by Hon. Jaffer Kassam, MCA, Chairperson of the Sectoral Committee on Justice & Legal Affairs and also the Nairobi City County Assembly's Majority Chief Whip was published on 5<sup>th</sup> January 2017 and subsequently tabled in the County Assembly for First Reading on Tuesday, 14<sup>th</sup> February 2017.

The Bill was thereafter committed to the Sectoral Committee on Justice and Legal Affairs for consideration pursuant to Standing Order No 121 and Article 185(2) of the Constitution.

### **1.4 Objects and reasons**

The principle objects of the Bill is to provide for the establishment and administration of the Nairobi City County Inspectorate service. The Bill also provide for the functions, powers and organization of the Inspectorate so as to give effect to the provision of Article 185 (2), 187 and 189 (1) (b) which requires the County Executive Committee to implement County Legislation and National Legislation within the County.

### **1.5 Advertisement**

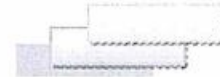
In processing the Bill, the Committee is required to consider public and stakeholders' views and its recommendation when considering the Bill as stipulated in Article 196(1) (b) of the Constitution and Standing Order 121(3).

*(See appendix 1 on the same)*

For the said to be achieved, the Committee through an advertisement appearing in the local dailies on Monday, 10<sup>th</sup> February 2017, called for memoranda of the Bill from general public and stakeholders to be submitted and that the written submissions be forwarded to the Office of the Clerk on or before Monday 6<sup>th</sup> March 2017.







### 1.6 Public and Stakeholders Memorandum

The Committee also forwarded a request for submission to a number of the key stakeholders. These stakeholders were;-

- i. Request letter to the County Public Service Board, vide letter ref: NCCA/LSW/BILL/8/2017 date 21<sup>st</sup> February 2017;
- ii. Request letter to the County Chief Officer in charge of Security, Compliance and Disaster Management vide letter ref: NCCA/LSW/BILL/2/2017 date 21<sup>st</sup> February 2017;
- iii. Request letter to the Inspector General vide letter ref: NCCA/LSW/BILL/7/2017 date 21<sup>st</sup> February 2017;
- iv. Request letter to the Chief Executive Officer, Kenya Law Reforms Commission vide letter ref: NCCA/LSW/BILL/6/2017 date 21<sup>st</sup> February 2017;
- v. Request letter to the Chairperson, Nairobi Kiambuthia – small scale business group in Nairobi CBD vide letter ref: NCCA/LSW/BILL/1/2017 date 21<sup>st</sup> February 2017;
- vi. Request letter to the Chairperson, Bus Station Self Help Group – registered hawkers vide letter ref: NCCA/LSW/BILL/3/2017 date 21<sup>st</sup> February 2017;
- vii. Request letter to the Chief Executive Officer, Kenya National Commission on Human Rights vide letter ref: NCCA/LSW/BILL/4/2017 date 21<sup>st</sup> February 2017; and,
- viii. Request letter to the Chairperson, Nairobi Central Business District Association (NCBDA) vide letter ref: NCCA/LSW/BILL/4/2017 date 21<sup>st</sup> February 2017;

*(See appendix 2 - 8 on the same)*

The Committee in that regard received only three written submissions from; the Kenya Law Reform Commission, Office of the Inspector General- National Police Service and the Chief Officer in charge of Security, Compliance and Disaster Management whose views have taken into account in this report.

*(See appendix 9 - 11 on the same)*

The County Executive, through the Chief Officer in charge of Security, Compliance and Disaster Management facilitate a 2 days retreat for the Committee Members to enable an in-depth deliberations on the Inspectorate Services Bill, 2017 and on any proposed amendments by the sector.

### 1.7 Consideration of the Bill,

The Committee was in agreement with the contents of the Bill. However, the Committee upon consideration of the submitted Memorandum and an in-depth deliberations with the Security Compliance and Disaster Management sector representatives, proposed amendments to some sections as contained in the “Amendments” section of the report.





**Mr Speaker, Sir,**

The Committee is thankful to the Offices of the Speaker and the Clerk of the Assembly for the logistical and technical support accorded to it during its sittings. I also wish to express my appreciation to the Members of the Committee who sacrificed their time in the activities of the Committee and preparation of this report.

**Mr Speaker, Sir,**

It is therefore my pleasant duty and privilege, on behalf of the Sectoral Committee on Justice and Legal Affairs, to table its report in the Assembly on the consideration of the Nairobi City County Inspectorate Services Bill, 2017 for consideration and adoption by the Nairobi City County Assembly pursuant to the provisions of Standing Order No 121(4).

SIGNED .....

**Hon. Jaffer Kassam, MCA**

**(Chairperson Justice and Legal Affairs Committee)**

DATE.....

*8th ju 2017*





## 2.0 THE OBJECTS OF THE OFFICE OF THE INSPECTORATE SERVICES BILL, 2017

Mr Speaker, Sir,

The principle objects of the Bill is to provide for the establishment of the Nairobi City County Inspectorate Services and to provide for the functions, powers and organization of the Inspectorate.

The Bill in that regard give effect to the provision of Article 185 (2), 187 and 189 (1) (b) which requires the County Executive Committee to implement County Legislation and National Legislation within the County.

## 2.1 DELIBERATIONS ON THE INSPECTORATE SERVICES BILL, 2017

Mr Speaker, Sir,

The Committee while considering the Bill, received three written submissions from; the Kenya Law Reform Commission, Office of the Inspector General- National Police Service and the Chief Officer in charge of Security, Compliance and Disaster Management. The said views were considered and factored in this Committee report.

The Committee was in agreement with the contents of the Bill. However, the Committee has proposed amendments to some sections as contained in the “Amendments” section of this report.

## 2.2 COMMITTEE AMENDMENTS

Mr Speaker, Sir,

The Committee proposed the following amendments:-

### ARRANGEMENT OF CLAUSES

In the arrangement of clauses by :-

- (i) By deleting the expression “Chief Inspector” and replacing therefor the expression “County Chief Commandant”
- (ii) By deleting the expression “Functions and powers of the Chief Inspector” and replacing therefor the expression “Functions and powers of the County Chief Commandant”
- (iii) By deleting the Title “COMPLIANCE” under Part III and replacing therefor the Title “INSPECTIONS”
- (iv) By deleting the expression “Arrests and detention by Inspector” and replacing therefor the expression “Arrests by an Inspectorate officer”
- (v) By deleting the expression “Order for restoration” and replacing therefor the expression “Cooperation with National Police”



**CLAUSE 2**

THAT clause 2 be amended:

- (i) in the definition of the word “arrest” by deleting the words “for suspected of commission of” appearing immediately after the word “person” and substituting therefor the words “suspected of committing”
- (ii) In the definition of the word “Chief Officer” by deleting the expression “Chief Officer” and replacing therefor the expression “County Chief Commandant”
- (iii) By inserting the following new definitions in their proper alphabetical sequence;

“county law” means a law made by the Nairobi City County Assembly pursuant to Article 185 of the Constitution.

“police officer” means an officer in the National Police Service by virtue of Article 243 of the Constitution

- (iv) By deleting the definition of the word “commissioned officer” and replacing therefor the definition “means a gazetted officer holding the rank of Assistant Superintendent and above”
- (v) By deleting the definition of the word “Inspectorate units” and replacing therefor the following “Inspectorate units mean any of the following organs of the Service specified under section 4(3)”
- (vi) In the definition of the word “inspector post” by deleting the word “inspector” and replacing therefor the word “Inspectorate” and by deleting the expression “Chief Inspector” and substituting therefor the expression “County Chief Commandant”.

**CLAUSE 3**

THAT clause 3 be amended:

- (i) by inserting a new paragraph before paragraph (a) as follows-

“to deliver an effective and independent inspectorate service within the county that shall among others ensure compliance with county legislation and provisions of the Constitution by the county residents.”

**CLAUSE 4**

THAT clause 4 be amended-

- (i) by deleting sub clause (3) and replacing therefor the following;

“The Inspectorate Service Department shall consist of the following units

- (a) an inspection unit;
- (b) a fire and emergency services unit;
- (c) a disaster and rescue services unit;





- (d) a traffic unit;
- (e) such other unit as the Board with the approval of the Assembly may prescribe
- (ii) in sub clause (4) paragraph (a) sub paragraph (i) by deleting the word “Chief inspector” and replacing therefor the word “County Chief Commandant”
- (iii) in sub clause (4) paragraph (a) sub paragraph (ii) by deleting the word “Deputy Chief Inspector” and replacing therefor the word “Deputy County Commandant”
- (iv) in sub clause (4) paragraph (a) sub paragraph (iii) by deleting the word “Assistant Chief inspector” and replacing therefor the word “Assistant County Commandant”
- (v) in sub clause (4) paragraph (a) sub paragraph (iv) by deleting the word “Principal Inspector” and replacing therefor the word “Senior County Superintendent”
- (vi) in sub clause (4) paragraph (a) sub paragraph (v) by deleting the word “Senior Inspector” and replacing therefor the word “County Superintendent”
- (vii) in sub clause (4) paragraph (a) sub paragraph (vi) by deleting the word “Inspector I” and replacing therefor the word “Assistant County Superintendent”
- (viii) by deleting paragraph (a) sub paragraph (vii) in its entirety
- (ix) in sub clause (4) paragraph (b) by deleting the words “non commissioned officers including” and replacing therefor the words “County Inspectorate Officers”
- (x) in sub clause (4) paragraph (b) sub paragraph (i) by deleting the words “Senior Sergeant” and replacing therefor the word “County Chief Inspector”
- (xi) in sub clause (4) paragraph (b) sub paragraph (ii) by deleting the word “Sergeant” and replacing therefor the words “County Inspector”
- (xii) in sub clause (4) paragraph (b) sub paragraph (iii) by deleting the word “Corporal” and replacing therefor the word “Assistant County Inspector”
- (xiii) by deleting sub paragraph (iv)
- (xiv) by adding a new paragraph immediately after Section 4 (4) (b) sub paragraph (iv) as follows
  - “ba” Non Commissioned County Security Officers
    - a) Senior County Sergeant
    - b) County Sergeant
    - c) County Corporal and
    - d) County Constable
- (xv) in sub clause (6) by deleting the word “were” appearing immediately after the words “persons who”
- (xvi) in sub clause (7) by deleting the words “in subsection (6)” appearing immediately after the words “all officers” and replacing therefor the words “or employees of the city inspectorate”.







(xvii) In sub clause 7 by inserting new paragraphs immediately after sub clause 7 as follows-

(a) The Chief County Commandant and the Deputy County Commandant referred to in Section 4(4) (a) (i and ii) shall undergo vetting by the County Assembly before appointment

(b) The other officers referred to in Section 4(4) (a) and (b) shall undergo a vigorous recruitment by the Board.

#### CLAUSE 6

THAT clause 6 be amended-

- i. in sub clause 1 by deleting paragraph (a) in its entirety.
- ii. by inserting a new paragraph immediately after paragraph (d)

“(da)” offer firefighting and emergency services”

“(db)” co-ordinate disaster management

#### CLAUSE 7

THAT clause 7 be amended

- (i) by deleting the marginal note and substituting therefor the following-  
“County Chief Commandant”  
in sub clause 1 by deleting the words “overall and independent” appearing immediately after the words “under the”
- (ii) in sub clause 1 by deleting the word “County” immediately before the word “Chief” and by inserting the expression “ upon recommendations by the Board” after the word “Governor”
- (iii) in sub clause 2 by deleting the word “Chief Inspector” and substituting therefor the word “County Chief Commandant”

#### CLAUSE 8

THAT clause 8 be amended-

- (i) in the marginal note by deleting the words “ Chief Inspector” and substituting therefor the following- “County Chief Commandant”
- (ii) in sub clause (1) paragraph (a) by deleting the word “Chief Inspector” and substituting therefor the word “County Chief Commandant”
- (iii) in sub clause (1) paragraph (f) by deleting the words “manage and maintain training institutions” appearing immediately before the word “centers”.
- (iv) in sub clause (3) by deleting the words “wherever possible” appearing immediately after the words “officer and”
- (v) in sub clause (4) by deleting the words “Chief Inspector” and substituting therefor the word “County Chief Commandant”



**CLAUSE 11**

THAT Clause 11 be amended:

- (i) in sub clause 2 by deleting the expression “in a form prescribed by the rules and be signed by a Gazetted inspectorate officer authorised” appearing immediately after the expression “signed” and by deleting the words “Chief Inspector” and substituting therefor the word “County Chief Commandant”

**CLAUSE 17**

THAT clause 17 be amended by deleting the numerical “244” appearing immediately after the words “subject to” and replacing therefor the numerical “24”

**CLAUSE 18**

THAT Clause 18 be amended:

- (i) by deleting the Title, “COMPLIANCE” and replacing therefor the Title “INSPECTIONS”
- (ii) in sub clauses (1), (2) and (5) by deleting the words “Chief Inspector” and substituting therefor the word “County Chief Commandant”

**CLAUSE 19**

THAT Clause 19 be amended

- (I) In paragraph (a) by deleting the expression “the provisions of this Act” appearing immediately after the expression “contravening” and substituting therefor the expression “any County Laws”
- (II) In paragraph (b) by deleting the expression “apprehend” appearing before the expression “any” and substituting therefor the expression “arrest”
- (III) by inserting a new paragraph immediately after sub clause (b)

“ba” to ensure compliance with Article 49 of the Constitution on the rights of an arrested person”

**CLAUSE 20**

THAT Clause 20 be amended

- (i) By deleting sub clause (1) in its entirety and substituting therefor the following:  
“An Inspectorate officer on duty may stop any person whom the officer witnesses doing or suspects of doing any act in contravention of County law or being in possession of anything for which a permit, license, or certificate or pass is required under any county law and has no such permit, license or certificate.”
- (ii) In sub clause 2 by deleting the expression “unless he gives his name and address and otherwise satisfies the officer that he will duly answer any summons or any other proceedings which may issue or be taken against him or her” appearing immediately after the expression “warrant”



**CLAUSE 21**

**THAT** Clause 21 be amended

- (i) In paragraph (a) by inserting the expression “county” immediately before the expression “law”
- (ii) By deleting paragraphs (c) (d) and (f) in its entirety

**CLAUSE 22**

**THAT** clause 22 be amended-

- (i) in sub clause (1) by deleting the words “whether with or without a warrant” appearing immediately after the words “officer” and by deleting the expression “and detention” appearing immediately after the expression “arrest”
- (ii) in sub clause 2 by deleting the expression “and detention” wherever it appears.
- (iii) in sub clause (3) by deleting the numerical “50 and 51” appearing immediately after the numeral “49” and by deleting the expression “or detained” appearing immediately after the expression “arrested”
- (iv) In sub clause (4) by deleting the expression “three” appearing immediately before the expression “hours” and substituting therefor the expression “one”
- (v) in sub clause (5) by deleting the words “personally guilty of a disciplinary” appearing immediately after the words “offence” and replacing therefor the words “guilty of an”

**CLAUSE 23**

**THAT** clause 23 be amended by deleting the words “the Constitution and” appearing immediately after the words “conferred by”.

**CLAUSE 24**

**THAT** clause 24 be amended-

- (i) by deleting sub clause 1 and substituting therefor the following  
“Upon reasonable suspicion of the commission of an offence or for the enforcement of the provisions of any county law, an Inspectorate officer may enter a dwelling place when accompanied by a police officer and with the consent of the occupant.”
- (ii) in sub clause (3) paragraph (c) by inserting the words “related to the commission of an offence” immediately after the word “items”.

**CLAUSE 27**

**THAT** Clause 27 be amended







(i) by deleting sub clauses 2, 3 and 4 and substituting therefor the following:-

“(2) Any items seized by any Inspectorate officer under sub section (1) shall as soon as practically possible but in any event not later than one hour be handed over to the police station in the jurisdiction within which the offence has been committed”

#### CLAUSE 28

THAT Clause 28 be amended

- (i) in the marginal notes by deleting the words ‘order for restoration and substituting therefor the words “cooperation with national police service”.
- (ii) by deleting the clause in its entirety and substituting therefor the following;-

28. (1)The County Chief Commandant may perform his functions under this Act in cooperation with the National Police Service and may in this respect enter into a memorandum of understanding with the Inspector General of Police.

(2) The Memorandum of Understanding referred to in subsection (1) shall-

- (a) provide for the manner and extent to which the Inspectorate shall assist the National Police in implementation of national legislation
- (b) provide for the manner and terms of deployment of national police service officers to the Inspectorate to assist in the performance of the Inspectorate functions
- (c ) provide for such other matters as the Inspector General and the County Chief Commandant may deem appropriate.

#### CLAUSE 29

THAT clause 29 be amended-

- (i) in sub clause (2) by deleting the words “life” appearing immediately after the words “imprisonment for” and replacing therefor the words “for a minimum term of twenty five years”.
- (ii) in sub clause (3) by deleting the words “life” appearing immediately after the words “imprisonment for” and replacing therefor the words “for a minimum term of fifteen years”.

#### CLAUSE 30

THAT Clause 30 be amended in sub clause (1) paragraph (b) by deleting the words “pretends to be” and replacing therefor the words “ impersonates”





## CLAUSE 32

THAT clause 32 be amended-

- (i) in sub clause (1) by deleting the word “fifty” appearing immediately after the word “exceeding” and replacing therefor the word “five”
- (ii) in sub clause (2) by deleting the word “is” appearing immediately before the word “again” and replacing therefor the word “if” and
- (iii) in sub clause (2) by deleting the words “be punishable upon conviction with double the penalty provided for the offence” appearing immediately after the word “shall” and replacing therefor the words “undergo the disciplinary process and may be released from the service”.

## CLAUSE 33

THAT clause 33 be amended-

- (i) in the marginal note by deleting the word “Rules” and replacing therefor the word “Regulations”.
- (ii) in sub clause (1) by deleting the words “for the” appearing immediately before the word “purpose”.
- (iii) in sub clause (3) paragraph (c) by deleting the words “under section 46” appearing immediately after the word “under” and replacing therefor the words “this section”.

## SECOND SCHEDULE (s. 33(2)(h))

THAT the Second Schedule be amended

- (i) in paragraph 1 sub paragraph (e) by deleting the words “guilty of drunkenness” appearing immediately after the word “be” and replacing therefor the word “drunk”
- (ii) by deleting paragraphs (n) and (o) in their entirety.
- (iii) In paragraph (w) by deleting the expression “investigation or other inspector matter” appearing immediately after the expression “any” and substituting therefor the expression “inspection or any Inspectorate matter”
- (iv) In paragraph (v) by deleting the expression “malingering or”
- (v) by deleting paragraphs (y) entirely.





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

COMMITTEE STAGE AMENDMENTS TO THE NAIROBI CITY COUNTY  
INSPECTORATE SERVICE BILL, 2017

NOTICE is given that the Chairperson of the Sectoral Committee on Justice and Legal affairs intends to move the following amendments to the Nairobi City County Inspectorate Service Bill, 2017, at the Committee Stage-

**ARRANGEMENT OF CLAUSES**

In the arrangement of clauses by :-

- (i) By deleting the expression "Chief Inspector" and replacing therefor the expression "County Chief Commandant"
- (ii) By deleting the expression "Functions and powers of the Chief Inspector" and replacing therefor the expression "Functions and powers of the County Chief Commandant"
- (iii) By deleting the Title "COMPLIANCE" under Part III and replacing therefor the Title "INSPECTIONS"
- (iv) By deleting the expression "Arrests and detention by Inspector" and replacing therefor the expression "Arrests by an Inspectorate officer"
- (v) By deleting the expression "Order for restoration" and replacing therefor the expression "Cooperation with National Police"

**CLAUSE 2**

**THAT** clause 2 be amended:

- (i) in the definition of the word "arrest" by deleting the words "for suspected of commission of" appearing immediately after the word "person" and substituting therefor the words "suspected of committing"
- (ii) In the definition of the word "Chief Officer" by deleting the expression "Chief Officer" and replacing therefor the expression "County Chief Commandant"
- (iii) By inserting the following new definitions in their proper alphabetical sequence;

---

"county law" means a law made by the Nairobi City County Assembly pursuant to Article 185 of the Constitution.



“police officer ‘ means an officer in the National Police Service by virtue of Article 243 of the Constitution

- (iv) By deleting the definition of the word “commissioned officer” and replacing therefor the definition “means a gazetted officer holding the rank of Assistant Superintendent and above”
- (v) By deleting the definition of the word “Inspectorate units” and replacing therefor the following “Inspectorate units mean any of the following organs of the Service specified under section 4(3)”
- (vi) In the definition of the word “inspector post” by deleting the word “inspector” and replacing therefor the word “Inspectorate” and by deleting the expression “Chief Inspector” and substituting therefor the expression “County Chief Commandant”.

### CLAUSE 3

THAT clause 3 be amended:

- (i) by inserting a new paragraph before paragraph (a) as follows-

“to deliver an effective and independent inspectorate service within the county that shall among others ensure compliance with county legislation and provisions of the Constitution by the county residents.”

### CLAUSE 4

THAT clause 4 be amended-

- (i) by deleting sub clause (3) and replacing therefor the following;

“The Inspectorate Service Department shall consist of the following units

- (a) an inspection unit;
- (b) a fire and emergency services unit;
- (c) a disaster and rescue services unit;
- (d) a traffic unit;
- (e) such other unit as the Board with the approval of the Assembly may prescribe

- (ii) in sub clause (4) paragraph (a) sub paragraph (i) by deleting the word “Chief inspector” and replacing therefor the word “County Chief Commandant”

- (iii) in sub clause (4) paragraph (a) sub paragraph (ii) by deleting the word “Deputy Chief Inspector” and replacing therefor the word “Deputy County Commandant”

- (iv) in sub clause (4) paragraph (a) sub paragraph (iii) by deleting the word “Assistant Chief inspector” and replacing therefor the word “ Assistant County Commandant”
- (v) in sub clause (4) paragraph (a) sub paragraph (iv) by deleting the word “Principal Inspector” and replacing therefor the word “Senior County Superintendent”
- (vi) in sub clause (4) paragraph (a) sub paragraph (v) by deleting the word “Senior Inspector” and replacing therefor the word “County Superintendent”
- (vii) in sub clause (4) paragraph (a) sub paragraph (vi) by deleting the word “Inspector I” and replacing therefor the word “ Assistant County Superintendent”
- (viii) by deleting paragraph (a) sub paragraph (vii) in its entirety
- (ix) in sub clause (4) paragraph (b) by deleting the words “ non commissioned officers including” and replacing therefor the words “ County Inspectorate Officers”
- (x) in sub clause (4) paragraph (b) sub paragraph (i) by deleting the words “Senior Sergeant” and replacing therefor the word “ County Chief Inspector”
- (xi) in sub clause (4) paragraph (b) sub paragraph (ii) by deleting the word “Sergeant” and replacing therefor the words “County Inspector”
- (xii) in sub clause (4) paragraph (b) sub paragraph (iii)) by deleting the word “Corporal” and replacing therefor the word “Assistant County Inspector”
- (xiii) by deleting sub paragraph (iv)
- (xiv) by adding a new paragraph immediately after Section 4 (4) (b) sub paragraph (iv) as follows
  - “ba” Non Commissioned County Security Officers
  - (I) Senior County Sergeant
  - (II) County Sergeant
  - (III) County Corporal and
  - (IV) County Constable
- (xv) in sub clause (6) by deleting the word “were” appearing immediately after the words “persons who”
- (xvi) in sub clause (7) by deleting the words “in subsection (6)” appearing immediately after the words “all officers” and replacing therefor the words “or employees of the city inspectorate”.
- (xvii) In sub clause 7 by inserting new paragraphs immediately after sub clause 7 as follows-



(a) The Chief County Commandant and the Deputy County Commandant referred to in Section 4(4) (a) (i and ii) shall undergo vetting by the County Assembly before appointment

(b) The other officers referred to in Section 4(4) (a) and (b) shall undergo a vigorous recruitment by the Board.

#### CLAUSE 6

THAT clause 6 be amended-

- (I) in sub clause 1 by deleting paragraph (a) in its entirety.
- (II) by inserting a new paragraph immediately after paragraph (d)  
“(da)” offer firefighting and emergency services”  
“(db) “co-ordinate disaster management

#### CLAUSE 7

THAT clause 7 be amended

- (i) by deleting the marginal note and substituting therefor the following-  
“County Chief Commandant”  
in sub clause 1 by deleting the words “overall and independent” appearing immediately after the words “under the”
- (ii) in sub clause 1 by deleting the word “County” immediately before the word “Chief” and by inserting the expression “ upon recommendations by the Board” after the word “Governor”
- (iii) in sub clause 2 by deleting the word “Chief Inspector” and substituting therefor the word “County Chief Commandant”

#### CLAUSE 8

THAT clause 8 be amended-

- (i) in the marginal note by deleting the words “ Chief Inspector” and substituting therefor the following- “County Chief Commandant”
- (ii) in sub clause (1) paragraph (a) by deleting the word “Chief Inspector” and substituting therefor the word “County Chief Commandant”
- (iii) in sub clause (1) paragraph (f) by deleting the words “manage and maintain training institutions” appearing immediately before the word “centers”.
- (iv) in sub clause (3) by deleting the words “wherever possible” appearing immediately after the words “officer and”
- (v) in sub clause (4) by deleting the words “Chief Inspector” and substituting therefor the word “County Chief Commandant”



#### CLAUSE 11

THAT Clause 11 be amended:

- (i) in sub clause 2 by deleting the expression “in a form prescribed by the rules and be signed by a Gazetted inspectorate officer authorised” appearing immediately after the expression “signed” and by deleting the words “Chief Inspector” and substituting therefor the word “County Chief Commandant”

#### CLAUSE 17

THAT clause 17 be amended by deleting the numerical “244” appearing immediately after the words “subject to” and replacing therefor the numerical “24”

#### CLAUSE 18

THAT Clause 18 be amended:

- (i) by deleting the Title, “COMPLIANCE” and replacing therefor the Title “INSPECTIONS”
- (ii) in sub clauses (1), (2) and (5) by deleting the words “Chief Inspector” and substituting therefor the word “County Chief Commandant”

#### CLAUSE 19

THAT Clause 19 be amended

- (I) In paragraph (a) by deleting the expression “the provisions of this Act” appearing immediately after the expression “contravening” and substituting therefor the expression “any County Laws”
- (II) In paragraph (b) by deleting the expression “apprehend” appearing before the expression “any” and substituting therefor the expression “arrest”
- (III) by inserting a new paragraph immediately after sub clause (b)

“ba” to ensure compliance with Article 49 of the Constitution on the rights of an arrested person”

#### CLAUSE 20

THAT Clause 20 be amended

- (i) By deleting sub clause (1) in its entirety and substituting therefor the following:  
“An Inspectorate officer on duty may stop any person whom the officer witnesses doing or suspects of doing any act in contravention of County law or being in possession of anything for which a permit, license, or certificate or pass is required under any county law and has no such permit, license or certificate.”
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- (ii) In sub clause 2 by deleting the expression “unless he gives his name and address and otherwise satisfies the officer that he will duly answer any summons or any other proceedings which may issue or be taken against him or her” appearing immediately after the expression “warrant”

#### CLAUSE 21

THAT Clause 21 be amended

- (i) In paragraph (a) by inserting the expression “county” immediately before the expression “law”
- (ii) By deleting paragraphs (c) (d) and (f) in its entirety

#### CLAUSE 22

THAT clause 22 be amended-

- (i) in sub clause (1) by deleting the words “whether with or without a warrant” appearing immediately after the words “officer” and by deleting the expression “and detention” appearing immediately after the expression “arrest”
- (ii) in sub clause 2 by deleting the expression “and detention” wherever it appears.
- (iii) in sub clause (3) by deleting the numerical “50 and 51” appearing immediately after the numeral “49” and by deleting the expression “or detained” appearing immediately after the expression “arrested”
- (iv) In sub clause (4) by deleting the expression “three” appearing immediately before the expression “hours” and substituting therefor the expression “one”
- (v) in sub clause (5) by deleting the words “personally guilty of a disciplinary” appearing immediately after the words “offence” and replacing therefor the words “guilty of an”

#### CLAUSE 23

THAT clause 23 be amended by deleting the words “the Constitution and” appearing immediately after the words “conferred by”.

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#### CLAUSE 24

THAT clause 24 be amended-

- (i) by deleting sub clause 1 and substituting therefor the following  
“Upon reasonable suspicion of the commission of an offence or for the enforcement of the provisions of any county law, an Inspectorate officer may



enter a dwelling place when accompanied by a police officer and with the consent of the occupant.”

- (ii) in sub clause (3) paragraph (c) by inserting the words “related to the commission of an offence” immediately after the word “items”.

#### CLAUSE 27

THAT Clause 27 be amended

- (i) by deleting sub clauses 2, 3 and 4 and substituting therefor the following;-

“(2) Any items seized by any Inspectorate officer under sub section (1) shall as soon as practically possible but in any event not later than one hour be handed over to the police station in the jurisdiction within which the offence has been committed”

#### CLAUSE 28

THAT Clause 28 be amended

- (i) in the marginal notes by deleting the words ‘order for restoration and substituting therefor the words “cooperation with national police service”.
- (ii) by deleting the clause in its entirety and substituting therefor the following;-

28. (1)The County Chief Commandant may perform his functions under this Act in cooperation with the National Police Service and may in this respect enter into a memorandum of understanding with the Inspector General of Police.

(2) The Memorandum of Understanding referred to in subsection (1) shall-

- (a) provide for the manner and extent to which the Inspectorate shall assist the National Police in implementation of national legislation
- (b) provide for the manner and terms of deployment of national police service officers to the Inspectorate to assist in the performance of the Inspectorate functions
- (c ) provide for such other matters as the Inspector General and the County Chief Commandant may deem appropriate.

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#### CLAUSE 29

THAT clause 29 be amended-

- (i) in sub clause (2) by deleting the words “life” appearing immediately after the words “imprisonment for” and replacing therefor the words “for a minimum term of twenty five years”.
- (ii) in sub clause (3) by deleting the words “life” appearing immediately after the words “imprisonment for” and replacing therefor the words “for a minimum term of fifteen years”.

#### CLAUSE 30

THAT Clause 30 be amended in sub clause (1) paragraph (b) by deleting the words “pretends to be” and replacing therefor the words “ impersonates”

#### CLAUSE 32

THAT clause 32 be amended-

- (i) in sub clause (1) by deleting the word “fifty’ appearing immediately after the word “exceeding” and replacing therefor the word “five”
- (ii) in sub clause (2) by deleting the word “is” appearing immediately before the word “again” and replacing therefor the word “if” and
- (iii) in sub clause (2) by deleting the words “be punishable upon conviction with double the penalty provided for the offence” appearing immediately after the word “shall” and replacing therefor the words “undergo the disciplinary process and may be released from the service”.

#### CLAUSE 33

THAT clause 33 be amended-

- (i) in the marginal note by deleting the word “Rules” and replacing therefor the word “Regulations”.
  - (ii) in sub clause (1) by deleting the words “for the” appearing immediately before the word “purpose”.
  - (iii) in sub clause (3) paragraph (c) by deleting the words “under section 46” appearing immediately after the word “under” and replacing therefor the words “this section”.
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#### SECOND SCHEDULE (s. 33(2)(h))

THAT the Second Schedule be amended



- (i) in paragraph 1 sub paragraph (e) by deleting the words “guilty of drunkenness” appearing immediately after the word “be” and replacing therefor the word “drunk”
- (ii) by deleting paragraphs (n) and (o) in their entirety.
- (iii) In paragraph (w) by deleting the expression “investigation or other inspector matter” appearing immediately after the expression “any” and substituting therefor the expression “inspection or any Inspectorate matter”
- (iv) In paragraph (v) by deleting the expression “malinger or”
- (v) by deleting paragraphs (y) entirely.

Dated this 8th day of June 2017.

Signed [Signature]

