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Bill for Introduction into the Garissa County Assembly—

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THE GARISSA COUNTY PETITIONS TO COUNTY ASSEMBLY (PROCEDURE) BILL, 2014

ARRANGEMENT OF CLAUSES

Clause
1—Short title and commencement.
2—Interpretation.
3—Form of petition.
4—Procedure for submitting petition.
5—Consideration of petition.
6—Register of petitions.

SCHEDULE — FORM OF PETITION
THE GARissa PETITIONS TO COUNTY ASSEMBLY (PROCEDURE) BILL, 2014

A Bill for

AN ACT of County Assembly of Garissa to give effect to Article 10 of the Constitution on the right to public participation in public governance and section 88 (1) of the County Government Act, 2012 on the right of citizens to petition the County Assembly; to make provision for the procedure for the exercise of the right pursuant to that Article; to enhance public participation in the legislative process by the County Assembly and for connected purposes

ENACTED by the County Assembly of Garissa County, as follows—

PART I — PRELIMINARY PROVISIONS

1. This Act may be cited as the Garissa County Petitions to county Assembly (Procedure) Act, 2014, and shall come into operation on such date as the Governor may, by notice in the Garissa County Gazette, proclaim.

2. (1) In this Act, except where the context otherwise requires:

“Clerk” means a Clerk of the County Assembly of Garissa;

“Petition” means a written prayer to the County Assembly of Garissa under section 88 (1) of the County Government Act, 2012 made in accordance with this Act;

“petitioner” means a person who petitions the County Assembly of Garissa section 88 (1) of the County Government Act, 2012, in accordance with the procedure set out in this Act;

“Register” means the register maintained by a Clerk under section 5; and Form of petition.

“Speaker” means the Speaker of the County Assembly of Garissa.

3. A petition to the County Assembly under section 88 (1) of the County Government Act, 2012 shall be in the form set out in the Schedule and shall—
(a) be handwritten, printed or typed;
(b) be in English or Kiswahili and be written in respectful, decorous and temperate language;
(c) be free of alterations and interlineations in its text;
(d) be addressed to the County Assembly;
(e) have its subject-matter indicated on every sheet if it consists of more than one sheet;
(f) confirm that efforts have been made to have the matter addressed by the relevant body and that there has been no response on the matter from the relevant body or that the response has not been satisfactory;
(g) confirm that the issues in respect of which the petition is made are not pending before any court or other constitutional or legal body;
(h) conclude with a clear, proper and respectful prayer, reciting the definite object of the petitioner or petitioners in regard to the matter to which it relates;
(i) subject to paragraph (m), contain the names, addresses, identification numbers, signature or a thumb impression of the petitioner or of every petitioner, where there is more than one petitioner;
(j) contain only signatures or thumb impressions, as the case may be, and addresses and identification numbers written directly onto the petition and not pasted thereon or otherwise transferred to it.
(k) not have any letters, affidavits or other documents annexed to it.
(l) in the case of a petition presented by a Member of the County Assembly on behalf of a petitioner, be countersigned by the Member presenting it; and
(m) be signed by the petitioner, or if the petitioner is unable to sign, by a witness in whose presence the petitioner shall make his or her mark on the petition.
4. (1) A petition to the County Assembly shall be—

   (a) submitted to the Clerk by the petitioner; or

   (b) presented by a member of the County Assembly on behalf of a petitioner, with the consent of the Speaker.

   (2) Notwithstanding section 4 (1) (b), a Member of the County Assembly shall not be eligible to present a petition on his own behalf.

   (3) The Clerk shall, within seven days of the date of receipt of the petition, review the petition to ascertain whether the petition meets the requirements of this Act.

   (4) Where the Clerk considers that a petition does not comply with section 3; the Clerk may give such directions as are necessary to ensure that the petition is amended to comply with that section.

5. (1) The Clerk shall, if satisfied that the petition meets the requirements of this Act, forward the petition to the Speaker for tabling in the County Assembly.

   (2) A petition that is tabled in the County Assembly under this Act shall be considered in accordance with the Standing Orders.

   (3) The Clerk shall, within fifteen days of the decision of the County Assembly, in writing, notify the petitioner of the decision of the County Assembly.

6. (1) The Clerk shall keep and maintain a register in which shall be recorded all petitions and supporting documents, and the decisions of the County Assembly.

   (2) The register of petitions under subsection (1) shall be accessible to the public during working hours.
SCHEDULE
(Section 3)

FORM OF PETITON

I/We, the undersigned,

(Here, identify in general terms, who the petitioner or petitioners are, for example, citizens of Kenya; residents of province or region, workers of industry, etc.)

DRAW the attention of the County Assembly to the following:

(Here, briefly state the reasons underlying the request for the Intervention of the County Assembly by outlining the grievances or Problems by summarizing the facts which the petitioner or petitioners wish the County Assembly to consider.)

THAT

(Here confirm that efforts have been made to have the matter addressed by the relevant body, and it failed to give satisfactory response.)

THAT

(Here confirm that the issues in respect of which the petition is made are not pending before any court of law, or constitutional or legal body.)

HEREFORE your humble petitioner(s) pray that the County Assembly-

(Here, set out the prayer by stating in summary what action the Petitioners wish the County Assembly to take or refrain from). And your petitioner(s) will ever pray.

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<th>Name of petitioner</th>
<th>Full Address</th>
<th>National ID or</th>
<th>Signature/ Thumb Impression</th>
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PETITION concerning............................................

(Here, repeat the summary, in first page)

Name of petitioner Signature / Thumb impression

.................................................................
"This form may contain such variations as the circumstances of each case may require."
MEMORANDUM OF OBJECTS AND REASONS

The principle object of this Bill is to provide the procedure for petitioning the County Assembly pursuant to Article 10 of the Constitution and section 88 (1) of the County Government Act. This is aimed at ensuring public participation in relation to the enactment of legislation and any other matter that may be considered by the County Assembly.

**Clauses 1 and 2.** of the Bill deal with the short title, commencement and interpretation of expressions used in the Bill.

**Clause 3.** of the Bill provides the form in which a petition should be presented to the County Assembly and sets out the form in which the petition may be presented, the information that should be contained in the petition, the manner in which the form may be attested by the petitioners and the manner in which the petition is presented by a Member of the County Assembly on behalf of a petitioner.

**Clause 4.** of the Bill outlines the procedure for presenting the petition to the Clerk of the County Assembly by a petitioner or by a Member of the County Assembly on behalf of a petitioner. It provides for a review of the petition by the Clerk to ensure that it meets the requirements and for the amendment of the petition on the direction of the Clerk.

**Clauses 5 and 6.** of the Bill provide for the manner in which a petition is to be considered by the County Assembly as well as the maintenance of a register of petitions by the Clerk of the County Assembly which shall be accessible to the public.

The Schedule sets out the form of the petition.

The enactment of this Bill shall not occasion additional expenditure of public funds.

Dated the 4th November, 2014.

HON. IBRAHIM ABDI ALI,
*Majority Leader Garissa County Assembly.*