SPECIAL ISSUE

Kenya Gazette Supplement No. 18 (Nakuru County Bills No. 15)

REPUBLIC OF KENYA

KENYA GAZETTE SUPPLEMENT

NAKURU COUNTY BILLS, 2019

NAIROBI, 13th June, 2019

CONTENT

Bill for Introduction into the County Assembly of Nakuru—

PAGE

The Nakuru County Honours and Awards Bill, 2019........................................... 1

NATIONAL COUNCIL FOR LAW REPORTING

RECEIVED

C2 DEC 2019

P.O. Box 10443 - 00100
NAIROBI, KENYA
TEL: 2719231 FAX: 2712694

PRINTED AND PUBLISHED BY THE GOVERNMENT PRINTER, NAIROBI
THE NAKURU COUNTY HONOURS AND AWARDS BILL, 2019

ARRANGEMENT OF CLAUSES

Clause

PART I — PRELIMINARY

1. Short title
2. Interpretation
3. Object and purpose

PART II — THE COUNTY HONOURS ADVISORY COMMITTEE

4. Committee
5. Functions of the committee
6. The secretariat

PART III — IDENTIFICATION AND DECLARATION OF HEROES

7. Call for nominations and sections
8. Public consultation
9. Investiture
10. Forms of recognition and honour of county heroes

PART IV — CONFERRMENT OF COUNTY AWARDS

11. Conferment of honours
12. Persons on whom county honours to be conferred

PART V — MISCELLANEOUS

13. Posthumous honour
14. Wearing of medal
15. Unauthorized use of insignia, etc.
16. Unlawful acquisition or procurement of County honour
17. Regulations

SCHEDULES

FIRST SCHEDULE — MEDALS AND ORDER OF PRECEDENCE
SECOND SCHEDULE — CRITERIA FOR QUALIFICATION OF HERO

Regard to national values and principles.

Amendment etc of county honours.
THE NAKURU COUNTY HONOURS AND AWARDS BILL, 2019

A Bill for

AN ACT of the County Assembly of Nakuru to provide for the recognition of heroes, to establish criteria or the identification, selection and honouring of County heroes, to provide for categories of county heroes; and establish procedure and mechanism for conferring of County honours by the Governor and for establishment of the County honours advisory committee under Section 16 of the Kenya Heroes Act, 2014 and Sections 30(3) (c) and (e) of the County Government Act 2012, and for connected purposes

ENACTED by the County Assembly of Nakuru as follows—

PART I—PRELIMINARY

Short title

1. This Act may be cited as the Nakuru County Honours and Awards Act, 2019.

Interpretation

2. In this Act unless the context otherwise requires—

“Committee” means the Nakuru County Honours and Awards Advisory Committee established under Section 4;

“County” means Nakuru County;

“County Honour “means an official recognition, decoration, status or award conferred in accordance with Part IV of this Act;

“Executive Committee Member” means the Executive Committee Member responsible for public service and administration;

“Hero” means a person (any gender) declared a hero under the provision of Part IV of this Act.

Objects and purpose of the Act

3. (1) The object and purpose of this Act is to provide a legal framework for recognition and honour of Nakuru County heroes.

(2) A person shall be considered a hero for purposes of this Act where the person has positively contributed for the County in any of the functional areas set out in the second schedule.
PART II—THE NAKURU COUNTY HONOURS AND AWARDS BILL 2019

Advisory Committee

4. There is established a County Honours Advisory Committee which shall comprise—

(a) the Deputy Governor who shall be the chairperson;

(b) the Executive Committee Member responsible for culture;

(c) the Executive Committee Member responsible for public service and administration;

(d) the chairperson of the county public service board;

(e) the county secretary who shall be the secretary.

Functions of the committee

5. The committee shall—

(a) receive and consider representations from any person, body, unit, association of persons or corporation recommending a person for the conferment of a county honour under this Act;

(b) recommend to the Governor, on its motion or on a representation under subsection (5) (a), persons, bodies, units, associations of persons or corporations that may be considered for conferment of a county honour under section 14;

(c) advise the Governor on the suitability or otherwise of a person, body, unit, association of persons or corporation that is proposed for conferment of a county honour under section 15;

(d) propose to the Governor the types, classes or categories of county honours that should be conferred;

(e) advise the Governor on the classes or categories of persons, bodies, units, associations of persons or corporations on whom county honours should be conferred;

(f) advise the Governor on the type, category, or class of a county honour that should be conferred on a person, body, unit, association of persons or corporation;

(g) identify and recommend county heroes for recognition by the County Government;

(h) oversee the design and creation of appropriate commemorative items for purposes of honouring county heroes;

(i) administer county assistance to county heroes where necessary;
(j) conduct and facilitate civic education in order to stimulate public
discussion and awareness on pertinent issues regarding heroes; and

(k) perform any other function that may be conferred on it by this Act
or any other law, or that it may consider necessary or appropriate
for connected purpose.

(2) Where the committee proposes the conferment of a county
honour on a person, body, unit, association of persons or corporation, the
committee shall, prior to forwarding its proposal to the Governor—

(a) publish its proposal in at least one daily newspaper of national
circulation inviting the public to present any views on or
objections to the proposal to the committee; and

(b) take into account the views or merit of objections from the public
in making its proposals to the Governor.

(3) The Committee may, in the performance of its functions, consult
with such other persons or bodies as may be necessary.

(4) A decision of the committee shall be made by consensus but
where there is no consensus, a decision shall be made by a majority.

(5) The committee may meet and transact business notwithstanding a
vacancy in the membership of the committee.

**Regard to national values and principles**

6. In the exercise of its functions, the committee shall have regard to
the following national values and principles of governance—

(a) patriotism, county unity, sharing and devolution of power, the rule
of law, democracy and participation of the people;

(b) human dignity, equity, social justice, inclusiveness, equality,
human rights, non-discrimination and protection of the
marginalized;

(c) good governance, integrity, transparency and accountability; and

(d) sustainable development.

**The Secretariat**

7. (1) There is established the County Honours secretariat, which
shall serve as the secretariat to the committee.

(2) The functions of the secretariat shall be—

(a) call for honours nominations from the public on the instructions
of the committee;
The Nakuru County Honours and Awards Bill, 2019

(b) co-ordinate and administer the county honours processes including maintaining an accurate record of all nominations and honours conferred;

(c) undertake research and liaison as required to validate claims made in a nomination for an award;

(d) co-ordinate and prepare the nomination documentation for review and consideration by the committee;

(e) assist in the identification and recommendation of county heroes for recognition by the County Government;

(f) liaise with the committee to procure honours certificates and medals and ensure their safe custody;

(g) submit the recommendations of the committee to the Governor;

(h) prepare awards and assist in the planning, preparation and conduct of the awards ceremony; and

(i) perform any other function that may be required by the committee or conferred on it by this Act or any other law, or as it may consider necessary or appropriate for connected purposes.

Register of County Honours

8. The Committee shall keep and maintain a register of county honours consisting of the names of all the recipients of honours which shall be available for inspection by the public.

Amendment etc. of County Honours

9. The Governor may, on the advice of the committee, by notice in the Gazette—

(a) amend a county honour;

(b) suspend a county honour;

(c) revoke a county honour where a person acts in a manner that is inconsistent with the award; or

(d) restore a revoked county honour.

PART III — IDENTIFICATION AND DECLARATION OF HEROES

Call for nominations and sections

10. (1) The committee established under Section 10 may, from time to time, by notice published in the print or electronic media or any other form of media, call for proposals for nomination of suitable persons to be recommended for declaration as heroes.
(2) Notwithstanding the provisions of subsection (1), the committee may through a circular to departments and county government decentralized units, calling for nominations in the prescribed form, of suitable persons to be considered for award and honours.

(3) A nomination under this section may be to a county public officer, a member of the public, an organization, a group of persons or an institution.

(4) Nominations received under this section shall be referred to the committee for vetting and consideration.

(5) The Committee shall on receipt of the names of the nominees forwarded, apply the criteria set out in the Second Schedule to determine whether the proposal nominee qualifies for designation as a hero under this Act.

Call for nominations and sections

11. (1) The committee shall, by notice in at least one newspaper of national circulation, publish the names of all persons proposed to be declared as county heroes under this Act.

(2) A notice under subsection (1), shall—

(a) specify the names of the persons proposed to be so declared;

(b) set out a brief summary of the achievements for which such declaration is proposed to be made; and

(c) invite objections and representations from members of the public who are of the opinion that the proposed honour is not deserved.

(3) The committee shall consider all objections received pursuant to subsection (2) (c) and draw up a final list of names of the persons confirmed as qualified to be declared as heroes, which it shall forward to the Governor for such declaration.

(4) The names of all persons declared as heroes shall be notified by the Governor by notice in the gazette.

Investiture

12. (1) All heroes under this Act shall be invested with the honour by the Governor at a public ceremony.

(2) The investiture of heroes shall take place on such days as the Governor shall determine and the persons so invested shall be awarded a certificate as may be prescribed whether in addition to any other award or not.
(3) The heroes recognized under this Act may be awarded during their life time or posthumously.

Forms of Recognition and Honour of County Heroes

13. (1) A person declared as a hero under this Act shall be entitled to any or more of the following privileges—

(a) invitations to county and community functions as a county guest;

(b) having cultural festivals, concerts, exhibitions and sports events organized in their honour;

(c) having towns, institutions, and open parks in urban areas, roads, streets, estates and notable landmarks named after the hero;

(d) the award of medals, insignia, commendations, certificates and such other commemorative items as may be determined by the committee;

(e) the issuance of such scarves, mementos, utensils, apparel and artifacts as may be determined by the committee from time to time;

(f) the publication of books depicting their respective role in the county’s history, or the social life of the society, or;

(g) being accorded financial assistance where their economic circumstances warrant their assistance, or facilitate in any other way the recipient furtherance of his/her/their talent(s) innovation and creativity.

(2) Without prejudice to the provisions of subsection (1), the county Government may from time to time accord county heroes who are in need of assistance—

(a) the highest attainable standard of health care services;

(b) accessible and adequate housing and reasonable standards of sanitation;

(c) adequate food of acceptable quality;

(d) clean and safe water in adequate quantities;

(e) social security; and

(f) free transport to public functions to which they are invited within the county.

(3) The committee shall establish and maintain a heroes register which shall be available to the public for inspection.
PART IV — CONFERMENT OF COUNTY AWARDS

Conferment of Honours

14. (1) The Governor may, pursuant to Section 30(3) (c) and (e) of the Government Act, No. 17 of 2012 and this Act, confer county honours set out in First Schedule in the name of the people and the county on—

(a) an individual; or

(b) a body, unit, association of persons or corporation.

(2) The Governor shall confer county honours under subsection (1) on a national day, or at such times as the Governor may consider appropriate.

(3) The Governor shall confer county honours subsection (1) after taking into account the recommendations of the committee established under Section 4.

(4) Notwithstanding the provisions of this section persons elected to the office of the Governor or Deputy Governor of Nakuru County shall automatically be deemed to have been conferred with the respective medals applicable to them as specified in the First Schedule.

Persons on whom county honours to be conferred

15. A person shall merit the conferment of a county honour if—

(a) the person has exhibited or exhibits exemplary qualities, actions or achievements of heroism, sacrifice, bravery, patriotism or leadership, excellence for the defense, benefit or betterment of the county.

(b) the person has made an exemplary contribution to the county in the economic, social, scientific, academic, public administration, governance, sports, journalism, business, security or other fields;

(c) the person is a public officer who has made an exemplary contribution to the betterment of the county government, an independent commission or an independent office; or

(d) the person has otherwise brought honour, glory or pride to the county.

PART V — MISCELLANEOUS

Posthumous Honour

16. A County Honour may be conferred, amended, suspended, revoked or restored posthumously.
Wearing of medals

17. Every person who is awarded a medal under this Act shall ensure that he or she wears the medal when attending national and county days' celebrations and specified county government functions as may be prescribed.

Unauthorized use of insignia, etc.

18. A person who-

(a) Uses or wears a certificate, insignia, medal or other decoration issued and conferred as a county honour under this Act without having been conferred;

(b) falsely represents himself to be the person upon whom a county honour was conferred; or

(c) provides or offers to provide a county honour conferred under this Act to a person not authorized to use or wear the same; commits an offence and is liable, on conviction, to a fine not exceeding fifty Thousand shillings or to a term of imprisonment not exceeding three month, or both.

Unlawful acquisition or procurement of County honour

19. A person who-

(a) receives or solicits, or agrees to receive or solicit, a benefit as an inducement or reward for procuring or assisting in the procurement of a county honour under this Act; or

(b) gives or offers, or agrees to give or offer, a benefit as an inducement or reward for procuring or assisting in the procurement of a county honour under this Act; commits an offence and is liable, on conviction, to a fine not exceeding one hundred thousand shillings or a term of imprisonment not exceeding six months, or both.

Regulations

20. (1) The Executive committee member may make Regulations for the better carrying out of the provisions of this Act.

(2) Without prejudice to the generality of subsection (1), the Executive Committee Member may make Regulations providing for-

(a) the types, categories or classes of county honours which the Governor may confer;

(b) the precedence to be accorded to different county honours and different ranks of county honours;
(c) limiting the number of persons who may, from time to time, be conferred with a particular county honour;

(d) specify the designation which the recipient of a county honour shall be entitled to use and the abbreviations by which reference may be made to such designation;

(e) prescribe the insignia by which a county honour is to be distinguished;

(f) provide for the manner in which a county honour may be amended or revoked;

(g) prescribe the privileges or benefits that shall attach to a county honour; or

(h) provide for the honours, if any, that may be conferred on non-county citizens.
FIRST SCHEDULE (S.14(1))

(A) MEDALS AND ORDER OF PRECEDENCE

1. Chief of the Order of the Golden Crown (CGC)
2. Elder of the Order of the Golden Crown (EGC)
4. Chief of the Order of the Burning Sword (CBS)
5. Elder of the Order of the Burning Sword (EBS)
6. Moran of the Order of Burning Sword (MBS)
7. League of Champion Medal (LCM)
8. Distinguished Conduct Order (DCO)
9. Distinguished Service Medal (DSM)
10. Governors Commendation

NB: The list of medals are non-exhaustive and the views of all stakeholder and citizen in their constitutional right of public participation should be taken into account before final draft.
### First Schedule (5.14(1))

(A) Assignment of Medals & Nominees (non-exhaustive)

<table>
<thead>
<tr>
<th>S/No.</th>
<th>Medal</th>
<th>Nominee</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Chief of the Order of the Golden Crown (C.G.C)</td>
<td>Reserved for Governor(s)</td>
</tr>
</tbody>
</table>
| 2.    | Elder of the Order of the Golden Crown (E.G.C) | Reserved for—
|       |       | - Deputy Governor |
|       |       | - Other County Executive committee members |
|       |       | - The Chairperson of Public Service Board |
|       |       | - The Speaker |
|       |       | - others |
| 3.    | Moran of the Order of the Golden Crown (M.G.C) | - Secretary & Head of Public Service |
|       |       | - Members of the County Assembly |
|       |       | - Chief Officers |
|       |       | - Clerk to the County Assembly |
|       |       | - Other Member of the County Assembly Board |
|       |       | - Chief Officers |
|       |       | - Spouse(s) to the Governor |
|       |       | - Spouse(s) to the Deputy Governor |
|       |       | - others |
| 4.    | Chief of the Order of the Burning Sword (C.B.S) | - Entrepreneurship |
|       |       | - Hospitality (Tourism) |
|       |       | - Businessmen |
|       |       | - Farming |
|       |       | - Entertainment |
| 5. **Elder of the Order of Burning Sword (E.B.S)** | - Industrialist  
- Researchers  
- Others  
- Jurists  
- Arbitrators  
- Mediators  
- Reconciliators  
- Counselors  
- Peace keepers  
- Human Right Crusaders  
- Enforcement Officers  
- Prosecution Officers  
- Others |
| --- | --- |
| 6. **Moran of the Order OF Burning Sword (M.B.S)** | - Spiritual leaders  
- Community leaders  
- Women leaders  
- Youth leaders  
- Environmentalist  
- Charitable organization  
- No-Governmental organizations  
- Cultural leaders  
- Societies and club  
- Nyumba Kumi initiative leaders  
- Other group leaders  
- Educational  
- Talents  
- Journalist  
- Sports |
<p>| | | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>8.</td>
<td><strong>Distinguished Conduct Order (D.C.O)</strong></td>
<td>Open</td>
</tr>
<tr>
<td>9.</td>
<td><strong>Distinguished Service Medal (D.S.M)</strong></td>
<td>Open</td>
</tr>
<tr>
<td>10.</td>
<td><strong>Governors Commendation Medal (G.C.M)</strong></td>
<td>Open</td>
</tr>
</tbody>
</table>

**NB:** The assignment and nominees are non-exhaustive and the view of all stakeholders and citizens in their exercise of their right of public participation should be taken into account before final draft.
<table>
<thead>
<tr>
<th>NO.</th>
<th>FUNCTIONAL AREAS</th>
<th>QUALITIES (non-exhaustive)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Governance, Statesmanship and Leadership</td>
<td>Patriotism</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Visionary</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Integrity</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Prudence</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Temperance</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Fortitude</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Wisdom</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Understanding</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Knowledge</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Commitment</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Determination</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Selflessness</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Humility</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Reliability</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Inspirational</td>
</tr>
<tr>
<td>2.</td>
<td>Social Justice</td>
<td>Patriotism</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Integrity</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Justice</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Prudence</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Wisdom</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Selflessness</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Knowledge</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Understanding</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Courage</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Honesty</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Loving-kindness</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Reliability</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Visionary</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Humility</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Patience</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Inspirational</td>
</tr>
<tr>
<td>3.</td>
<td>Cultural Values and Practices</td>
<td>Patriotism</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Integrity</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Indigenous knowledge and Understanding</td>
</tr>
</tbody>
</table>
Expertise  
Discipline  
Commitment  
Honesty  
Selflessness  
Discipline  
Reliable  
Inspirational

| 4. Scholarly, research, talent, art, sports etc. | Patriotism  
Visionary  
Integrity  
Imaginative  
Creativity  
Innovative  
Determination  
Selflessness  
Commitment  
Courage  
Inspirational  
Charisma |

**NB:** The functional areas and qualities are non-exhaustive and the views and consideration of all stakeholders and citizens in their exercise of their right of public participation should be taken into account before final draft.
MEMORANDUM OF OBJECTS AND REASON

The Bill seeks to provide for a framework for the recognition of and establishment of the criteria for the identification, selection and honouring of acts of heroism and excellence and provide for the categories of County honours and awards and further establish mechanisms and procedures for conferring of County honours and awards to recognized heroes. This Bill is divided into three parts as follows—

Part I provides for preliminaries including short title, interpretation, object and purpose of the Bill.

Part II establishes the County Honours Advisory Committee, which is tasked with the duty of receiving and considering applications for any person recommended for the conferment of a county honour, vet and recommend to the Governor persons to be conferred with honours.

Part III sets the criteria for identification and declaration of heroes and heroines and the forms of recognition and honours to be conferred.

Part IV provides for the categories of persons who can be conferred with honours in line with their achievements.

Part V contains miscellaneous provisions including offences and penalties and the power to make regulations by the Executive Committee Member.

The Bill respects the separation of powers of National and County governments and recognizes the critical role assigned to the County Government with regard to public service and administration.

The Bill shall not occasion additional expense.

PETER MBAE,
Member of County Assembly.