

NO. 1 OF 2012

TRANSITION TO DEVOLVED GOVERNMENT ACT

SUBSIDIARY LEGISLATION

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TRANSFERRED FUNCTIONS, 2013

[L.N. 16/2013.]

In Exercise of the powers conferred by section 23(1) of the Transition to Devolved Government Act, 2012, the Transition Authority identifies functions listed in the Schedule to be functions that may be transferred to county governments immediately after the first elections under the Constitution:

Provided that—

SCHEDULE**1. Agriculture—**

- (a) livestock sale yards;
- (b) county abattoirs/slaughter house services.

2. County Health Services—

- (a) county health facilities and pharmacies (specific to Nairobi County, Kisumu County, Mombasa County, Nakuru County and Uasin Gishu County);
- (b) ambulance services (specific to Nairobi, Kisumu, Mombasa, Nakuru, Uasin Gishu Counties);
- (c) cemeteries, Funeral Parlors/ Mortuary services and Crematoria Services;
- (d) refuse removal, refuse dumps and solid waste disposal.

3. Control of outdoor advertising.**4. Cultural services, public entertainment and public amenities but limited to—**

- (a) betting services;
- (b) liquor licensing;
- (c) video shows and hiring;
- (d) sports and cultural activities and facilities;
- (e) county parks, beaches and recreation facilities.

5. County Transport—

- (a) access roads;
- (b) street lighting;
- (c) traffic and parking.

6. Animal control and Welfare—

- (a) licensing of dogs;
- (b) facilities for the accommodation, care and burial of animals.

7. Trade development and regulations—

- (a) markets;
- (b) trade licensing (excluding regulation of professionals);
- (c) local tourism.

8. County planning and development—

- (a) land survey and mapping; and
- (b) housing.

9. Pre-primary education, home-craft centre and childcare facilities.

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10. Implementation of specific national government policies on natural resources and environment conservation—

- (a) protection of water springs;
- (b) protection of wells and dams.

11. County public works and services specific to storm water management systems in built-up areas.

12. Fire fighting services and disaster management.

13. Control of drugs and pornography.

**TRANSITION TO DEVOLVED GOVERNMENT (TRANSFER
OF ASSETS AND LIABILITIES) REGULATIONS, 2013**

ARRANGEMENT OF REGULATIONS

Regulation

1. Citation.
 2. Interpretation.
 3. Establishment of Technical Committee.
 4. Membership of Committee.
 5. Functions of the Committee.
 6. Powers of the Committee.
 7. Audit of public assets and liabilities.
 8. Application to transfer a public asset or liability.
 9. Instances where an application may be considered for approval.
 10. Review or reversal of irregular transfer.
-

[Subsidiary]

TRANSITION TO DEVOLVED GOVERNMENT (TRANSFER OF ASSETS AND LIABILITIES) REGULATIONS, 2013

[L.N. 45/2013.]

1. Citation

These Regulations may be cited as the Transition to Devolved Government (Transfer of Assets and Liabilities) Regulations, 2013.

2. Interpretation

In these Regulations, unless the context otherwise requires—

“**Act**” means the Transition to Devolved Government Act, 2012;

“**asset**” means a thing whether tangible or intangible owned by public entity;

“**Committee**” means the technical committee established under regulation 4 of these Regulations;

“**market value**” means the price of an asset in an open and competitive market;

“**public entity**” includes a national government entity, county government entity, a State organ, public office or a local authority;

“**public participation**” means the involvement of the public in the decision making process; and

“**transfer**” means the handing over of legal possession or control of an asset or liability.

3. Establishment of Technical Committee

There is established a committee to be known as the Technical Committee of the Authority.

4. Membership of Committee

(1) The Committee shall consist of—

- (a) two members of the Authority;
- (b) the Principal Secretary for the time being responsible for matters relating to devolution;
- (c) the Principal Secretary for the time being responsible for matters relating to finance;
- (d) the Principal Secretary for the time being responsible for matters relating to land;
- (e) the Chairperson of the Revenue Allocation Commission;
- (f) the Chairperson of the Commission for Implementation of the Constitution;
- (g) the Attorney-General;
- (h) the Chairperson of the National Land Commission;
- (i) the Chairperson of the Ethics and Anti-Corruption Commission;
- (j) the Director-General of the Public Procurement Authority;
- (k) the Auditor General; and
- (l) two persons, who shall not be public officers and shall be appointed by the Authority.

(2) The members of the Committee under subparagraphs (b) to (k) of paragraph (1) may designate an officer from their respective State department to represent them.

(3) The Authority may co-opt any other members into the Committee as may be necessary.

5. Functions of the Committee

The functions of the Committee shall be to—

- (a) facilitate an audit of public assets and liabilities and to advise the Authority;
- (b) prepare, validate and submit an inventory of public assets and liabilities to the Authority;
- (c) advise the Authority on the transfer of shared assets and liabilities; and
- (d) recommend to the Authority the review or reversal of irregular transfer of assets and liabilities by public entities during the transition period.

6. Powers of the Committee

The Committee shall have the delegated powers of the Authority to—

- (a) gather relevant information, including the requisition of reports, records, documents or any information from any source, including State departments or public entities;
- (b) compel the production of any information required for the performance of its functions as and when necessary;
- (c) interview any person, groups or members of organizations or institutions;
- (d) hold inquiries and investigations for the purposes of performing its functions under this Act;
- (e) make recommendations and facilitate the distribution of assets to the national and county governments; and
- (f) undertake any activity necessary to effectively carry out its functions.

7. Audit of public assets and liabilities

(1) The Authority may engage a qualified person or firm to carry out the audit of assets and liabilities in public entities.

(2) A person or firm engaged to carry out the audit of assets and liabilities shall prepare and submit the inventory of the public assets and liabilities to the Authority.

(3) The Authority shall publish an inventory of all public assets and liabilities in the *Gazette*.

8. Application to transfer a public asset or liability

(1) A public entity shall make an application, to transfer a public asset or liability, to the Authority in the Form set out in the Schedule to these Regulations.

(2) An application under this regulation shall be accompanied by the following additional information—

- (a) information that there has been public participation in making the decision to transfer the asset or liability;
- (b) a summary of the comments received from the public under sub-paragraph (a);
- (c) the value of the asset to be transferred;
- (d) the value for which the asset is proposed to be transferred;
- (e) an independent valuation of the asset, by a registered professional;
- (f) a statement of the original purpose for which the asset or liability was acquired;
- (g) the implication of the proposed transfer of the asset or liability; and
- (h) information on how the public entity has complied with legal requirements for transfer of public assets and liabilities.

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9. Instances where an application may be considered for approval

(1) Subject to section (8), the Authority may approve the transfer of an asset or liability, where—

- (a) the Court has made an order for the transfer of the asset or liability;
- (b) there is a legal charge or mortgage over the asset and the person to whom the asset is being transferred has followed due legal process; or
- (c) the transfer is in public interest.

(2) The Authority shall not approve an application to transfer a public asset or liability where the obligation arose during the transition period.

10. Review or reversal of irregular transfer

(1) A person may petition the Authority to review or reverse an irregular transfer of a public asset or liability.

(2) A petition under this regulation shall be made in writing and shall state, as far as possible, all the details regarding the transfer of the asset or liability.

(3) The Authority shall carry out preliminary investigations to ascertain whether there were any irregularities in the transfer of the asset or liability.

(4) The Authority shall provide a copy of the petition to the public entity and may request the public entity to respond to the petition, in writing.

(5) Where after investigations the Authority determines that the transfer was irregular, the Authority shall review or reverse the transfer and shall—

- (a) notify the petitioner of its decision, in writing; and
- (b) publish the decision in the *Gazette*.

(6) Where the Authority acts on its own motion, the same procedure shall apply with necessary modification.

SCHEDULE

FORM

[Reg. 8(1).]

APPLICATION TO TRANSFER PUBLIC ASSET OR LIABILITY

Name of applicant

P.O. Box

Tel

1. Description of Asset or Liability to be transferred (registration number, location and other relevant details).
2. Value of the asset or liability as at date of proposed transfer (attach valuation report).
3. Evidence of ownership of the property.
4. Date and value of asset on acquisition.
5. Name of the entity to which transfer is being made.
6. If there exists a contractual obligation attached to the asset or liability. (attach all documentation relating to the contract).
7. Justification or reason for the transfer of asset or liability.

* Where necessary please attach supporting documents.

Application made by:

Name

Designation

Signature

Official Stamp

Date

FOR OFFICIAL USE ONLY

Approved

Not Approved

Reasons for approval or disapproval

**TRANSITION TO DEVOLVED GOVERNMENT (ASSUMPTION
OF OFFICE OF COUNTY GOVERNOR) REGULATIONS, 2013**

ARRANGEMENT OF REGULATIONS

Regulation

1. Citation.
 2. Interpretation.
 3. Application.
 4. Guiding principles.
 5. Assumption of the Office of County Governor Committee.
 6. Functions and powers of the Committee.
 7. Establishment of sub-committees.
 8. Procedure of Committee.
 9. Security arrangements.
 10. Public Officers to provide required information.
 11. Swearing in ceremony.
 12. Taking of oath and signing of certificate of Inauguration.
 13. Swearing in of the county deputy governor-elect.
 14. Inauguration Speech.
 15. Reports of the Committee.
 16. Management of information and Records.
 17. A request for information.
 18. Constitution provisions to apply.
 19. Duration of the Committee.
-

[Subsidiary]

**TRANSITION TO DEVOLVED GOVERNMENT (ASSUMPTION
OF OFFICE OF COUNTY GOVERNOR) REGULATIONS, 2013**

[L.N. 47/2013.]

1. Citation

These Regulations may be cited as the Transition to Devolved Government (Assumption of Office of County Governor) Regulations, 2013.

2. Interpretation

In these Regulations, unless the context otherwise requires—

“certificate of inauguration” means a certificate signed by the governor upon being sworn in;

“Commission” means the Independent Electoral and Boundaries Commission established under Article 88 of the Constitution;

“Committee” means the Assumption of the Office of County Governor Committee established under regulation 5 of these Regulations;

“county deputy governor-elect” means a candidate declared elected as a county deputy governor and who has not assumed office;

“county governor-elect” means a candidate declared elected as a county governor under Article 180 of the Constitution and who has not assumed office; and

“Public officer” has the meaning assigned to it under Article 260 of the Constitution.

3. Application

The provisions of these Regulations shall apply—

- (a) to the assumption of office of the county governor by the county governor-elect; and
- (b) to the assumption of office of the county deputy governor by the county deputy governor-elect.

4. Guiding principles

In performance of its functions and exercise of its powers under these Regulations, the Committee shall act in accordance with the values and principles set out in Article 10 of the Constitution.

5. Assumption of the Office of County Governor Committee

(1) There is established a committee to be known as the Assumption of the Office of County Governor Committee.

(2) The Committee shall be an *ad hoc* committee and shall consist of—

- (a) the County Commissioner, who shall be the chairperson;
- (b) the interim County Secretary;
- (c) the Director, Gender and Social Services;
- (d) the transitional county finance officer;
- (e) an officer designated by the Judiciary;
- (f) an officer designated by the Director-General of the National Intelligence Service;
- (f) the head of National Police Service at county level;
- (g) a representative of non-state actors;
- (h) a representative of the governor-elect nominated by governor-elect;

- (i) the Transition County Co-ordinator who shall be the secretary to the Committee and responsible for taking minutes and keeping the records of the Committee.

(3) Except for the first election under the Constitution, the chairperson of the Committee shall convene the first meeting of the Committee at least fourteen days before the date of the elections.

(4) The quorum for the conduct of the business at a meeting of the Committee shall be half of all the members of the Committee.

(5) A vacancy in the membership of the Committee shall not affect the decisions of the Committee.

6. Functions and powers of the Committee

(1) The functions of the Committee shall be to—

- (a) facilitate the handing over process by the outgoing county governor to the county governor-elect, except for the first elections under the Constitution;
- (b) organise for the security of the county governor-elect;
- (c) organise for the necessary facilities and personnel for the county governor-elect;
- (d) co-ordinate the briefings of the county Governor-elect by relevant public officers;
- (e) facilitate communication between the outgoing county governor and the county governor-elect except for the first elections under the Constitution;
- (f) prepare the programme and organise for the swearing-in-ceremony; and
- (g) carry out any other activity necessary for the performance of its functions under these Regulations and perform any other function assigned to it under these Regulations or any other written law.

(2) The Committee shall have all powers necessary for the execution of its functions under the law.

7. Establishment of sub-committees

(1) The Committee may from time to time, establish sub-committees for the better carrying out of its functions under these Regulations.

(2) The Committee may co-opt into the membership of a sub-committee established under subsection (1), persons whose knowledge and skills are considered necessary for the execution of the functions of the Committee.

8. Procedure of Committee

Except as otherwise provided in these Regulations, the Committee may determine its own procedure.

9. Security arrangements

(1) Upon the announcement of the final results of a gubernatorial election by the Commission, the Committee shall ensure that the county governor-elect and county deputy governor-elect are accorded adequate security.

(2) Despite subparagraph (1), the National Police Service shall ensure the provision of adequate security during the conduct of the swearing-in-ceremony.

10. Public Officers to provide required information

(1) The county governor-elect shall, in consultation with the Committee, carry out such preparations as may be necessary for the purpose of assuming office.

(2) The county governor-elect may, in carrying out preparations under subparagraph (1), request for information from a public officer in the county as the county governor-elect may consider necessary.

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(3) A public officer from whom information is requested under subparagraph (2) shall provide the information within a reasonable time.

11. Swearing in ceremony

(1) The swearing in of the county governor-elect shall be conducted in a public ceremony within the respective county.

(2) The Transition Authority shall announce and publicize the date, venue and time of swearing-in of all county governor-elect countrywide.

12. Taking of oath and signing of certificate of Inauguration

(1) The county governor-elect shall be sworn in on the first Wednesday following the tenth day after the date of the gazettelement of the final results of the gubernatorial election.

(2) The county governor-elect shall, during the swearing-in-ceremony, take and subscribe to the oath or affirmation of allegiance as set out in the First Schedule to the County Government Act (Cap. 265).

(3) The oath or affirmation shall be administered to the county governor-elect by a judge of the High Court not earlier than 10.00 am and not later than 2:00 pm.

(4) Upon taking or subscribing to the oath or affirmation, the county governor-elect shall sign a certificate of inauguration.

(5) If there is a court order stopping the swearing in of the county governor-elect, the county governor-elect shall only be sworn in following the completion of the court process.

13. Swearing in of the county deputy governor-elect

The county deputy governor-elect shall take and subscribe to the oath or affirmation as set out in the First Schedule to the County Government Act (Cap. 265).

14. Inauguration speech

The county governor shall, upon the swearing in of the county deputy governor-elect, give an inauguration speech.

15. Reports of the Committee

The Committee shall, within a period of two months from the date of the swearing-in of the county governor-elect, cause to be prepared a report on the affairs of the Committee.

16. Management of information and Records

The Committee shall publish and publicize all important information within its mandate affecting the county.

17. A request for information

(1) Any person may, in public interest, request for information from the Committee and the request for that information—

- (a) shall be addressed to the chairperson or such other person as the Committee may for that purpose designate;
- (b) may be subject to the payment of a reasonable fee in instances where the Committee incurs an expense in providing the information; and
- (c) may be subject to confidentiality requirements of the Committee.

(2) Subject to Article 35 of the Constitution, the Committee may decline to give information to an applicant where—

- (a) the disclosure of such information is undesirable in public interest;
- (b) the information requested is at a deliberative stage by the Committee;
- (c) the applicant fails to pay the prescribed fee; or
- (d) the applicant fails to satisfy confidentiality requirements by the Commission.

(3) The right of access to information under Article 35 of the Constitution shall be limited to the nature and extent specified under this regulation.

(4) Every member and staff assigned to the Committee shall sign a confidentiality agreement.

18. Constitution provisions to apply

The day-to-day functioning of the county before and during the assumption of office by the county governor-elect shall be subject to the constitutional provisions regarding transition and succession of institutions, offices, assets and liabilities.

19. Duration of the Committee

The Committee shall last for a period of three months from the date of its establishment.

TRANSFER OF FUNCTIONS, 2013

[L.N. 137/2013.]

Pursuant to section 15 of the Sixth Schedule to the Constitution as read with sections 23 and 24 of the Transition to Devolved Governments Act, 2012 and further to the Legal Notice No. 16 of 2013, the Transition Authority approves the transfer of the functions specified in the Schedule to the county government of Baringo, with effect from the 9th August, 2013:

Provided that the responsibility for the personnel emoluments related to the discharge of the devolved functions shall be managed by the national government for a period not exceeding six months or as shall be agreed upon between the two levels of government, whichever comes first.

SCHEDULE**1. Agriculture—**

- (a) crop husbandry including—
- (i) provision of agricultural extension services or farmer advisory services;
 - (ii) development and implementation of programmes in the agricultural sector to address food security in the county;
 - (iii) construction of grain storage structures;
 - (iv) enforcement of regulations and standards on quality control of inputs, produce and products from the agricultural sector;
 - (v) availing farm inputs such as certified seeds, fertilizer and other planting materials, such as cassava cutting or potato vines, to farmers;
 - (vi) development of programmes to intervene on soil and water management and conservation of the natural resource base for agriculture;
 - (vii) promotion of market access for agricultural products;
 - (viii) provision of infrastructure to promote agricultural production and marketing as well as agro-processing and value chains;
 - (ix) enhancing accessibility to affordable credit and insurance packages for farmers;
 - (x) management of agricultural training centers and agricultural mechanization stations:

Provided that the management of agricultural training centers and agricultural mechanization station shall be transferred after six months, to enable the requisite structures and mechanisms to be put in place by the Transition Authority;

- (xi) land development services such as construction of water pans for horticultural production for food security;
 - (xii) formulation and review of county specific policies;
 - (xiii) developing and enacting legislation and regulatory frameworks for county specific policies; and
 - (xiv) implementation of national and county specific policies and legislation;
- (b) animal husbandry including livestock extension services to deliver husbandry technologies to livestock farmers and pastoralists, through farm demonstrations, farmer field days, farmer field schools, agricultural shows, individual farm visits, farmer training courses (residential and non-residential), barazas, farmer tours, posters, brochures or leaflets;

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- (c) plant and animal disease control including carrying out, co-ordinating and overseeing—
 - (i) communal dipping and spraying operations and vaccination campaigns; and
 - (ii) control of plant pests, diseases and noxious weeds that are specific to counties; and
- (d) fisheries including—
 - (i) fisheries extension services;
 - (ii) upscaling seaweed, fin fish and crustacean culture;
 - (iii) county fish seed bulking units;
 - (iv) on-farm trials;
 - (v) fish health certification;
 - (vi) development and maintenance of fish landing stations and jetties, fish auction centers and fish landing fees;
 - (vii) demarcation of all fish breeding areas and fencing of fish landing stations;
 - (viii) fish trade licensing and fish movement permits;
 - (ix) collection of fish production statistics;
 - (x) enforcement of fisheries regulations and compliance with management measures;
 - (xi) implementation of fisheries policy, fisheries management measures and regulation and limiting access to fishing;
 - (xii) fisheries monitoring, control and surveillance; and
 - (xiii) zonation for aquaculture-county specific disease control.

2. County health services—

- (a) county health facilities and pharmacies including—
 - (i) county health facilities including county and sub-county hospitals, rural health centres, dispensaries, rural health training and demonstration centres. Rehabilitation and maintenance of county health facilities including maintenance of vehicles, medical equipment and machinery. Inspection and licensing of medical premises including reporting;
 - (ii) county health pharmacies including specifications, quantification, storage, distribution, dispensing and rational use of medical commodities:

Provided that until alternative intergovernmental arrangements are made, all counties shall procure medical commodities from the Kenya Medical Supplies Authority except where a particular commodity required by a county government is not available at the Kenya Medical Supplies Authority;

- (b) ambulance services including emergency response and patient referral system;
- (c) promotion of primary health care including health education, health promotion, community health services, reproductive health, child health, tuberculosis, HIV, malaria, school health program, environmental health, maternal health care, immunization, disease surveillance, outreach services, referral, nutrition, occupational safety, food and water quality and safety, disease screening, hygiene and sanitation, disease prevention and control, ophthalmic services, clinical services, rehabilitation, mental health, laboratory services, oral health, disaster preparedness and disease outbreak services. Planning and monitoring, health information system (data collection, collation, analysis and reporting), supportive supervision, patient and health facility records and inventories;

- (d) licensing and control of undertakings that sell food to the public including food safety and control;
 - (e) veterinary services to carry out, co-ordinate and oversee veterinary services including clinical services, artificial insemination, and reproductive health management; but excluding regulation of the profession; and
 - (f) enforcement of waste management policies, standards and regulations; in particular—
 - (i) refuse removal (garbage) including, provision of waste collection bins, segregation of waste at source, licensing of waste transportation;
 - (ii) refuse dumps including zoning waste operational areas, conducting environmental impact assessment for the siting of dumps, fencing of dumps, controlling fires, monitoring waste characteristics and monitoring of waste water from the dumpsite (leachate); and
 - (iii) solid waste disposal including enforcement of national waste management policies, standards and laws with respect to landfilling, incineration with energy recovery, compositing, recycling and operation of transfer stations.
- 3. Control of air pollution, noise pollution and other public nuisance including—**
- (a) control of noise pollution and other public nuisances;
 - (b) licensing for persons exceeding the permissible noise levels; and
 - (c) noise mapping and action plan development,
- excluding the implementation of nationally set ambient air quality standards.
- 4. Cultural services, public entertainment and public amenities—**
- (a) county betting, casinos and other forms of gambling;
 - (b) racing;
 - (c) cinemas;
 - (d) libraries excluding Kenya National Library Services; and
 - (e) museums.
- 5. County transport including—**
- (a) county roads including primary roads linking all sub-county headquarters and minor roads linking markets and administrative centers excluding roads being managed by Kenya Urban Roads Authority, Kenya Rural Roads Authority, Kenya Wildlife Service and Kenya Forest Service;
 - (b) mechanical and transport equipment shall be retained by the national government for a period of six months and the Transition Authority shall during that period develop modalities of sharing the mechanical and transport equipment; and
 - (c) public road transport on licensing of public service vehicles operations.
- 6. Trade development and regulation—**
- (a) fair trading practices including—
 - (i) verification of weighing and measuring instruments;
 - (ii) inspection of weighing and measuring instruments and pre-packed goods;
 - (iii) investigation of complaints relating to unfair trade practices; and
 - (iv) prosecution of offences arising from unfair trade practices;
 - (b) co-operative societies—
 - (i) promotion of co-operative societies;
 - (ii) processing of application for registration;

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- (iii) inspections and investigations;
- (iv) training needs assessment for co-operative movement;
- (v) market information dissemination and advisory services;
- (vi) banking inspections local Savings and Credit Co-operative Societies;
- (vii) risk assessment in Savings and Credit Co-operative Societies;
- (viii) investment advisory services;
- (ix) co-ordination and monitoring of co-operative indemnity by co-operative leaders;
- (x) promotion of co-operative ventures and innovations for local co-operatives;
- (xi) carrying out certification audits;
- (xii) carrying out continuous and compliance audits;
- (xiii) co-operative advisory services;
- (xiv) pre-co-operative education;
- (xv) settlement of disputes (arbitration); and
- (xvi) registration of co-operative societies audited accounts.

7. County planning and development—

- (a) statistical services including—
 - (i) custodian of official statistics in the county;
 - (ii) maintenance of a comprehensive and reliable county socio-economic database;
 - (iii) quality assurance of statistical information;
 - (iv) collection and compilation of statistical information;
 - (v) analysis of statistical information;
 - (vi) publication and dissemination of statistical information for public use; and
 - (vii) co-ordination, monitoring and supervision of the county statistical system;
- (b) boundaries and fencing including—
 - (i) determination of property boundaries;
 - (ii) solving of property boundary disputes;
 - (iii) showing of property boundaries;
 - (iv) ensuring fencing and development of properties; and
 - (v) finalization of surveying of administrative boundaries within the counties; and
- (c) identification of the renewable energy sites for development, excluding identification and implementation of the rural electrification projects, management of the Rural Electrification Fund and development of isolated diesel stations, which shall be transferred within the transition period as per the Rural Electrification Authority schedules.

8. Village polytechnics.**9. Implementation of specific national government policies on natural resources and environmental conservation—**

- (a) soil and water conservation—
 - (i) implementation of county specific water conservation and forestry policies through water resource users;
 - (ii) water pollution control; and

- (iii) borehole site identification and drilling; and
- (b) forestry including farm forest extension services, forests and game reserves formerly managed by local authorities excluding forests managed by Kenya Forest Service, National Water Towers and private forests.

10. County public works and services—

- (a) public works including designing, documentation, post contracting, project management of construction and maintenance of public buildings and other infrastructural services, Construction of footbridges; and
- (b) water and sanitation services including rural water and sanitation services, provision of water and sanitation service in small and medium towns without formal service providers, water harvesting (specific to counties), urban water and sanitation services with formal service provision including water, sanitation and sewerage companies, excluding Water Service Boards, Water Services Regulatory Board and Water Resources Management Authority.

11. Ensuring and co-ordinating the participation of communities and locations in governance at the local level and assisting communities and locations to develop the administrative capacity for the effective exercise of the functions and powers and participation in governance at the local level.

TRANSFER OF FUNCTIONS, 2013

[L.N. 138/2013.]

Pursuant to section 15 of the Sixth Schedule to the Constitution as read with sections 23 and 24 of the Transition to Devolved Governments Act, 2012 and further to the Legal Notice No. 16 of 2013, the Transition Authority approves the transfer of the functions specified in the Schedule to the county government of Bomet, with effect from the 9th August, 2013:

Provided that the responsibility for the personnel emoluments related to the discharge of the devolved functions shall be managed by the national government for a period not exceeding six months or as shall be agreed upon between the two levels of government, whichever comes first.

Legal Notice No. 136 of 2013 is revoked.

SCHEDULE**1. Agriculture—**

- (a) crop husbandry including—
- (i) provision of agricultural extension services or farmer advisory services;
 - (ii) development and implementation of programmes in the agricultural sector to address food security in the county;
 - (iii) construction of grain storage structures;
 - (iv) enforcement of regulations and standards on quality control of inputs, produce and products from the agricultural sector;
 - (v) availing farm inputs such as certified seeds, fertilizer and other planting materials, such as cassava cutting or potato vines, to farmers;
 - (vi) development of programmes to intervene on soil and water management and conservation of the natural resource base for agriculture;
 - (vii) promotion of market access for agricultural products;
 - (viii) provision of infrastructure to promote agricultural production and marketing as well as agro-processing and value chains;
 - (ix) enhancing accessibility to affordable credit and insurance packages for farmers;
 - (x) management of agricultural training centers and agricultural mechanization stations:

Provided that the management of agricultural training centers and agricultural mechanization station shall be transferred after six months, to enable the requisite structures and mechanisms to be put in place by the Transition Authority;
 - (xi) land development services such as construction of water pans for horticultural production for food security;
 - (xii) formulation and review of county specific policies;
 - (xiii) developing and enacting legislation and regulatory frameworks for county specific policies; and
 - (xiv) implementation of national and county specific policies and legislation;
- (b) animal husbandry including livestock extension services to deliver husbandry technologies to livestock farmers and pastoralists, through farm demonstrations, farmer field days, farmer field schools, agricultural shows, individual farm visits, farmer training courses (residential and non-residential), barazas, farmer tours, posters, brochures or leaflets;

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- (c) plant and animal disease control including carrying out, co-ordinating and overseeing—
 - (i) communal dipping and spraying operations and vaccination campaigns; and
 - (ii) control of plant pests, diseases and noxious weeds that are specific to counties; and
- (d) fisheries including—
 - (i) fisheries extension services;
 - (ii) upscaling seaweed, fin fish and crustacean culture;
 - (iii) county fish seed bulking units;
 - (iv) on-farm trials;
 - (v) fish health certification;
 - (vi) development and maintenance of fish landing stations and jetties, fish auction centers and fish landing fees;
 - (vii) demarcation of all fish breeding areas and fencing of fish landing stations;
 - (viii) fish trade licensing and fish movement permits;
 - (ix) collection of fish production statistics;
 - (x) enforcement of fisheries regulations and compliance with management measures;
 - (xi) implementation of fisheries policy, fisheries management measures and regulation and limiting access to fishing;
 - (xii) fisheries monitoring, control and surveillance; and
 - (xiii) zonation for aquaculture-county specific disease control.

2. County health services—

- (a) county health facilities and pharmacies including—
 - (i) county health facilities including county and sub-county hospitals, rural health centres, dispensaries, rural health training and demonstration centres. Rehabilitation and maintenance of county health facilities including maintenance of vehicles, medical equipment and machinery. Inspection and licensing of medical premises including reporting;
 - (ii) county health pharmacies including specifications, quantification, storage, distribution, dispensing and rational use of medical commodities:

Provided that, until alternative intergovernmental arrangements are made, all counties shall procure medical commodities from the Kenya Medical Supplies Authority except where a particular commodity required by a county government is not available at the Kenya Medical Supplies Authority;

- (b) ambulance services including emergency response and patient referral system;
- (c) promotion of primary health care including health education, health promotion, community health services, reproductive health, child health, tuberculosis, HIV, malaria, school health program, environmental health, maternal health care, immunization, disease surveillance, outreach services, referral, nutrition, occupational safety, food and water quality and safety, disease screening, hygiene and sanitation, disease prevention and control, ophthalmic services, clinical services, rehabilitation, mental health, laboratory services, oral health, disaster preparedness and disease outbreak services. Planning and monitoring, health information system (data collection, collation, analysis and reporting), supportive supervision, patient and health facility records and inventories;

- (d) licensing and control of undertakings that sell food to the public including food safety and control;
 - (e) veterinary services to carry out, co-ordinate and oversee veterinary services including clinical services, artificial insemination, and reproductive health management; but excluding regulation of the profession; and
 - (f) enforcement of waste management policies, standards and regulations; in particular—
 - (i) refuse removal (garbage) including, provision of waste collection bins, segregation of waste at source, licensing of waste transportation;
 - (ii) refuse dumps including zoning waste operational areas, conducting environmental impact assessment for the siting of dumps, fencing of dumps, controlling fires, monitoring waste characteristics and monitoring of waste water from the dumpsite (leachate); and
 - (iii) solid waste disposal including enforcement of national waste management policies, standards and laws with respect to landfilling, incineration with energy recovery, compositing, recycling and operation of transfer stations.
- 3. Control of air pollution, noise pollution and other public nuisance including—**
- (a) control of noise pollution and other public nuisances;
 - (b) licensing for persons exceeding the permissible noise levels; and
 - (c) noise mapping and action plan development,
- excluding the implementation of nationally set ambient air quality standards.
- 4. Cultural services, public entertainment and public amenities—**
- (a) county betting, casinos and other forms of gambling;
 - (b) racing;
 - (c) cinemas;
 - (d) libraries excluding Kenya National Library Services; and
 - (e) museums.
- 5. County transport including—**
- (a) county roads including primary roads linking all sub-county headquarters and minor roads linking markets and administrative centers excluding roads being managed by Kenya Urban Roads Authority, Kenya Rural Roads Authority, Kenya Wildlife Service and Kenya Forest Service;
 - (b) mechanical and transport equipment shall be retained by the national government for a period of six months and the Transition Authority shall during that period develop modalities of sharing the mechanical and transport equipment; and
 - (c) public road transport on licensing of public service vehicles operations.
- 6. Trade development and regulation—**
- (a) fair trading practices including—
 - (i) verification of weighing and measuring instruments;
 - (ii) inspection of weighing and measuring instruments and pre-packed goods;
 - (iii) investigation of complaints relating to unfair trade practices; and
 - (iv) prosecution of offences arising from unfair trade practices;
 - (b) co-operative societies—
 - (i) promotion of co-operative societies;

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- (ii) processing of application for registration;
- (iii) inspections and investigations;
- (iv) training needs assessment for co-operative movement;
- (v) market information dissemination and advisory services;
- (vi) banking inspections local Savings and Credit Co-operative Societies;
- (vii) risk assessment in Savings and Credit Co-operative Societies;
- (viii) investment advisory services;
- (ix) co-ordination and monitoring of co-operative indemnity by co-operative leaders;
- (x) promotion of co-operative ventures and innovations for local co-operatives;
- (xi) carrying out certification audits;
- (xii) carrying out continuous and compliance audits;
- (xiii) co-operative advisory services;
- (xiv) pre-co-operative education;
- (xv) settlement of disputes (arbitration); and
- (xvi) registration of co-operative societies audited accounts.

7. County planning and development—

- (a) statistical services including—
 - (i) custodian of official statistics in the county;
 - (ii) maintenance of a comprehensive and reliable county socio-economic database;
 - (iii) quality assurance of statistical information;
 - (iv) collection and compilation of statistical information;
 - (v) analysis of statistical information;
 - (vi) publication and dissemination of statistical information for public use; and
 - (vii) co-ordination, monitoring and supervision of the county statistical system;
- (b) boundaries and fencing including—
 - (i) determination of property boundaries;
 - (ii) solving of property boundary disputes;
 - (iii) showing of property boundaries;
 - (iv) ensuring fencing and development of properties; and
 - (v) finalization of surveying of administrative boundaries within the counties; and
- (c) identification of the renewable energy sites for development, excluding identification and implementation of the rural electrification projects, management of the Rural Electrification Fund and development of isolated diesel stations, which shall be transferred within the transition period as per the Rural Electrification Authority schedules.

8. Village polytechnics.**9. Implementation of specific national government policies on natural resources and environmental conservation—**

- (a) soil and water conservation—
 - (i) implementation of county specific water conservation and forestry policies through water resource users;

- (ii) water pollution control; and
- (iii) borehole site identification and drilling; and
- (b) forestry including farm forest extension services, forests and game reserves formerly managed by local authorities excluding forests managed by Kenya Forest Service, National Water Towers and private forests.

10. County public works and services—

- (a) public works including designing, documentation, post contracting, project management of construction and maintenance of public buildings and other infrastructural services. Construction of footbridges; and
- (b) water and sanitation services including rural water and sanitation services, provision of water and sanitation service in small and medium towns without formal service providers, water harvesting (specific to counties), urban water and sanitation services with formal service provision including water, sanitation and sewerage companies, excluding Water Service Boards, Water Services Regulatory Board and Water Resources Management Authority.

11. Ensuring and co-ordinating the participation of communities and locations in governance at the local level and assisting communities and locations to develop the administrative capacity for the effective exercise of the functions and powers and participation in governance at the local level.

TRANSFER OF FUNCTIONS, 2013

[L.N. 139/2013.]

Pursuant to section 15 of the Sixth Schedule to the Constitution as read with sections 23 and 24 of the Transition to Devolved Governments Act, 2012 and further to the Legal Notice No. 16 of 2013, the Transition Authority approves the transfer of the functions specified in the Schedule to the county government of Bungoma, with effect from the 9th August, 2013:

Provided that the responsibility for the personnel emoluments related to the discharge of the devolved functions shall be managed by the national government for a period not exceeding six months or as shall be agreed upon between the two levels of government, whichever comes first.

SCHEDULE**1. Agriculture—**

- (a) crop husbandry including—
- (i) provision of agricultural extension services or farmer advisory services;
 - (ii) development and implementation of programmes in the agricultural sector to address food security in the county;
 - (iii) construction of grain storage structures;
 - (iv) enforcement of regulations and standards on quality control of inputs, produce and products from the agricultural sector;
 - (v) availing farm inputs such as certified seeds, fertilizer and other planting materials, such as cassava cutting or potato vines, to farmers;
 - (vi) development of programmes to intervene on soil and water management and conservation of the natural resource base for agriculture;
 - (vii) promotion of market access for agricultural products;
 - (viii) provision of infrastructure to promote agricultural production and marketing as well as agro-processing and value chains;
 - (ix) enhancing accessibility to affordable credit and insurance packages for farmers;
 - (x) management of agricultural training centers and agricultural mechanization stations:

 Provided that the management of agricultural training centers and agricultural mechanization station shall be transferred after six months, to enable the requisite structures and mechanisms to be put in place by the Transition Authority;
 - (xi) land development services such as construction of water pans for horticultural production for food security;
 - (xii) formulation and review of county specific policies;
 - (xiii) developing and enacting legislation and regulatory frameworks for county specific policies; and
 - (xiv) implementation of national and county specific policies and legislation;
- (b) animal husbandry including livestock extension services to deliver husbandry technologies to livestock farmers and pastoralists, through farm demonstrations, farmer field days, farmer field schools, agricultural shows, individual farm visits, farmer training courses (residential and non-residential), barazas, farmer tours, posters, brochures or leaflets;

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- (c) plant and animal disease control including carrying out, co-ordinating and overseeing—
 - (i) communal dipping and spraying operations and vaccination campaigns; and
 - (ii) control of plant pests, diseases and noxious weeds that are specific to counties; and
- (d) fisheries including—
 - (i) fisheries extension services;
 - (ii) upscaling seaweed, fin fish and crustacean culture;
 - (iii) county fish seed bulking units;
 - (iv) on-farm trials;
 - (v) fish health certification;
 - (vi) development and maintenance of fish landing stations and jetties, fish auction centers and fish landing fees;
 - (vii) demarcation of all fish breeding areas and fencing of fish landing stations;
 - (viii) fish trade licensing and fish movement permits;
 - (ix) collection of fish production statistics;
 - (x) enforcement of fisheries regulations and compliance with management measures;
 - (xi) implementation of fisheries policy, fisheries management measures and regulation and limiting access to fishing;
 - (xii) fisheries monitoring, control and surveillance; and
 - (xiii) zonation for aquaculture-county specific disease control.

2. County health services—

- (a) county health facilities and pharmacies including—
 - (i) county health facilities including county and sub-county hospitals, rural health centres, dispensaries, rural health training and demonstration centres. Rehabilitation and maintenance of county health facilities including maintenance of vehicles, medical equipment and machinery. Inspection and licensing of medical premises including reporting;
 - (ii) county health pharmacies including specifications, quantification, storage, distribution, dispensing and rational use of medical commodities:

Provided that until alternative intergovernmental arrangements are made, all counties shall procure medical commodities from the Kenya Medical Supplies Authority except where a particular commodity required by a county government is not available at the Kenya Medical Supplies Authority;

- (b) ambulance services including emergency response and patient referral system;
- (c) promotion of primary health care including health education, health promotion, community health services, reproductive health, child health, tuberculosis, HIV, malaria, school health program, environmental health, maternal health care, immunization, disease surveillance, outreach services, referral, nutrition, occupational safety, food and water quality and safety, disease screening, hygiene and sanitation, disease prevention and control, ophthalmic services, clinical services, rehabilitation, mental health, laboratory services, oral health, disaster preparedness and disease outbreak services. Planning and monitoring, health information system (data collection, collation, analysis and reporting), supportive supervision, patient and health facility records and inventories;

- (d) licensing and control of undertakings that sell food to the public including food safety and control;
 - (e) veterinary services to carry out, co-ordinate and oversee veterinary services including clinical services, artificial insemination, and reproductive health management; but excluding regulation of the profession; and
 - (f) enforcement of waste management policies, standards and regulations; in particular—
 - (i) refuse removal (garbage) including, provision of waste collection bins, segregation of waste at source, licensing of waste transportation;
 - (ii) refuse dumps including zoning waste operational areas, conducting environmental impact assessment for the siting of dumps, fencing of dumps, controlling fires, monitoring waste characteristics and monitoring of waste water from the dumpsite (leachate); and
 - (iii) solid waste disposal including enforcement of national waste management policies, standards and laws with respect to landfilling, incineration with energy recovery, compositing, recycling and operation of transfer stations.
- 3. Control of air pollution, noise pollution and other public nuisance including—**
- (a) control of noise pollution and other public nuisances;
 - (b) licensing for persons exceeding the permissible noise levels; and
 - (c) noise mapping and action plan development,
- excluding the implementation of nationally set ambient air quality standards.
- 4. Cultural services, public entertainment and public amenities—**
- (a) county betting, casinos and other forms of gambling;
 - (b) racing;
 - (c) cinemas;
 - (d) libraries excluding Kenya National Library Services; and
 - (e) museums.
- 5. County transport including—**
- (a) county roads including primary roads linking all sub-county headquarters and minor roads linking markets and administrative centers excluding roads being managed by Kenya Urban Roads Authority, Kenya Rural Roads Authority, Kenya Wildlife Service and Kenya Forest Service;
 - (b) mechanical and transport equipment shall be retained by the national government for a period of six months and the Transition Authority shall during that period develop modalities of sharing the mechanical and transport equipment; and
 - (c) public road transport on licensing of public service vehicles operations.
- 6. Trade development and regulation—**
- (a) fair trading practices including—
 - (i) verification of weighing and measuring instruments;
 - (ii) inspection of weighing and measuring instruments and pre-packed goods;
 - (iii) investigation of complaints relating to unfair trade practices; and
 - (iv) prosecution of offences arising from unfair trade practices;
 - (b) co-operative societies—
 - (i) promotion of co-operative societies;
 - (ii) processing of application for registration;

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- (iii) inspections and investigations;
- (iv) training needs assessment for co-operative movement;
- (v) market information dissemination and advisory services;
- (vi) banking inspections local Savings and Credit Co-operative Societies;
- (vii) risk assessment in Savings and Credit Co-operative Societies;
- (viii) investment advisory services;
- (ix) co-ordination and monitoring of co-operative indemnity by co-operative leaders;
- (x) promotion of co-operative ventures and innovations for local co-operatives;
- (xi) carrying out certification audits;
- (xii) carrying out continuous and compliance audits;
- (xiii) co-operative advisory services;
- (xiv) pre-co-operative education;
- (xv) settlement of disputes (arbitration); and
- (xvi) registration of co-operative societies audited accounts.

7. County planning and development—

- (a) statistical services including—
 - (i) custodian of official statistics in the county;
 - (ii) maintenance of a comprehensive and reliable county socio-economic database;
 - (iii) quality assurance of statistical information;
 - (iv) collection and compilation of statistical information;
 - (v) analysis of statistical information;
 - (vi) publication and dissemination of statistical information for public use; and
 - (vii) co-ordination, monitoring and supervision of the county statistical system;
- (b) boundaries and fencing including—
 - (i) determination of property boundaries;
 - (ii) solving of property boundary disputes;
 - (iii) showing of property boundaries;
 - (iv) ensuring fencing and development of properties; and
 - (v) finalization of surveying of administrative boundaries within the counties; and
- (c) identification of the renewable energy sites for development, excluding identification and implementation of the rural electrification projects, management of the Rural Electrification Fund and development of isolated diesel stations, which shall be transferred within the transition period as per the Rural Electrification Authority schedules.

8. Village polytechnics.**9. Implementation of specific national government policies on natural resources and environmental conservation—**

- (a) soil and water conservation—
 - (i) implementation of county specific water conservation and forestry policies through water resource users;

- (ii) water pollution control; and
- (iii) borehole site identification and drilling; and
- (b) forestry including farm forest extension services, forests and game reserves formerly managed by local authorities excluding forests managed by Kenya Forest Service, National Water Towers and private forests.

10. County public works and services—

- (a) public works including designing, documentation, post contracting, project management of construction and maintenance of public buildings and other infrastructural services. Construction of footbridges; and
- (b) water and sanitation services including rural water and sanitation services, provision of water and sanitation service in small and medium towns without formal service providers, water harvesting (specific to counties), urban water and sanitation services with formal service provision including water, sanitation and sewerage companies, excluding Water Service Boards, Water Services Regulatory Board and Water Resources Management Authority.

11. Ensuring and co-ordinating the participation of communities and locations in governance at the local level and assisting communities and locations to develop the administrative capacity for the effective exercise of the functions and powers and participation in governance at the local level.

TRANSFER OF FUNCTIONS, 2013

[L.N. 140/2013.]

Pursuant to section 15 of the Sixth Schedule to the Constitution as read with sections 23 and 24 of the Transition to Devolved Governments Act, 2012 and further to the Legal Notice No. 16 of 2013, the Transition Authority approves the transfer of the functions specified in the Schedule to the county government of Busia, with effect from the 9th August, 2013:

Provided that the responsibility for the personnel emoluments related to the discharge of the devolved functions shall be managed by the national government for a period not exceeding six months or as shall be agreed upon between the two levels of government, whichever comes first.

SCHEDULE**1. Agriculture—**

- (a) crop husbandry including—
- (i) provision of agricultural extension services or farmer advisory services;
 - (ii) development and implementation of programmes in the agricultural sector to address food security in the county;
 - (iii) construction of grain storage structures;
 - (iv) enforcement of regulations and standards on quality control of inputs, produce and products from the agricultural sector;
 - (v) availing farm inputs such as certified seeds, fertilizer and other planting materials, such as cassava cutting or potato vines, to farmers;
 - (vi) development of programmes to intervene on soil and water management and conservation of the natural resource base for agriculture;
 - (vii) promotion of market access for agricultural products;
 - (viii) provision of infrastructure to promote agricultural production and marketing as well as agro-processing and value chains;
 - (ix) enhancing accessibility to affordable credit and insurance packages for farmers;
 - (x) management of agricultural training centers and agricultural mechanization stations:

 Provided that the management of agricultural training centers and agricultural mechanization station shall be transferred after six months, to enable the requisite structures and mechanisms to be put in place by the Transition Authority;
 - (xi) land development services such as construction of water pans for horticultural production for food security;
 - (xii) formulation and review of county specific policies;
 - (xiii) developing and enacting legislation and regulatory frameworks for county specific policies; and
 - (xiv) implementation of national and county specific policies and legislation;
- (b) animal husbandry including livestock extension services to deliver husbandry technologies to livestock farmers and pastoralists, through farm demonstrations, farmer field days, farmer field schools, agricultural shows, individual farm visits, farmer training courses (residential and non-residential), barazas, farmer tours, posters, brochures or leaflets;
- (c) plant and animal disease control including carrying out, co-ordinating and overseeing—

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- (i) communal dipping and spraying operations and vaccination campaigns; and
- (ii) control of plant pests, diseases and noxious weeds that are specific to counties; and
- (d) fisheries including—
 - (i) fisheries extension services;
 - (ii) upscaling seaweed, fin fish and crustacean culture;
 - (iii) county fish seed bulking units;
 - (iv) maintenance of county fish auction centres;
 - (v) on-farm trials;
 - (vi) fish health certification;
 - (vii) development and maintenance of fish landing stations and jetties, fish auction centers and fish landing fees;
 - (viii) demarcation of all fish breeding areas and fencing of fish landing stations;
 - (ix) fish trade licensing and fish movement permits;
 - (x) collection of fish production statistics;
 - (xi) enforcement of fisheries regulations and compliance with management measures;
 - (xii) implementation of fisheries policy, fisheries management measures and regulation and limiting access to fishing;
 - (xiii) fisheries monitoring, control and surveillance; and
 - (xiv) zonation for aquaculture-county specific disease control.

2. County health services—

- (a) county health facilities and pharmacies including—
 - (i) county health facilities including county and sub-county hospitals, rural health centres, dispensaries, rural health training and demonstration centres. Rehabilitation and maintenance of county health facilities including maintenance of vehicles, medical equipment and machinery. Inspection and licensing of medical premises including reporting;
 - (ii) county health pharmacies including specifications, quantification, storage, distribution, dispensing and rational use of medical commodities:

Provided that until alternative intergovernmental arrangements are made, all counties shall procure medical commodities from the Kenya Medical Supplies Authority except where a particular commodity required by a county government is not available at the Kenya Medical Supplies Authority;

- (b) ambulance services including emergency response and patient referral system;
- (c) promotion of primary health care including health education, health promotion, community health services, reproductive health, child health, tuberculosis, HIV, malaria, school health program, environmental health, maternal health care, immunization, disease surveillance, outreach services, referral, nutrition, occupational safety, food and water quality and safety, disease screening, hygiene and sanitation, disease prevention and control, ophthalmic services, clinical services, rehabilitation, mental health, laboratory services, oral health, disaster preparedness and disease outbreak services. Planning and monitoring, health information system (data collection, collation, analysis and reporting), supportive supervision, patient and health facility records and inventories;

- (d) licensing and control of undertakings that sell food to the public including food safety and control;
 - (e) veterinary services to carry out, co-ordinate and oversee veterinary services including clinical services, artificial insemination, and reproductive health management; but excluding regulation of the profession; and
 - (f) enforcement of waste management policies, standards and regulations; in particular—
 - (i) refuse removal (garbage) including, provision of waste collection bins, segregation of waste at source, licensing of waste transportation;
 - (ii) refuse dumps including zoning waste operational areas, conducting environmental impact assessment for the siting of dumps, fencing of dumps, controlling fires, monitoring waste characteristics and monitoring of waste water from the dumpsite (leachate); and
 - (iii) solid waste disposal including enforcement of national waste management policies, standards and laws with respect to landfilling, incineration with energy recovery, compositing, recycling and operation of transfer stations.
- 3. Control of air pollution, noise pollution and other public nuisance including—**
- (a) control of noise pollution and other public nuisances;
 - (b) licensing for persons exceeding the permissible noise levels; and
 - (c) noise mapping and action plan development,
- excluding the implementation of nationally set ambient air quality standards.
- 4. Cultural services, public entertainment and public amenities—**
- (a) county betting, casinos and other forms of gambling;
 - (b) racing;
 - (c) cinemas;
 - (d) libraries excluding Kenya National Library Services; and
 - (e) museums.
- 5. County transport including—**
- (a) county roads including primary roads linking all sub-county headquarters and minor roads linking markets and administrative centers excluding roads being managed by Kenya Urban Roads Authority, Kenya Rural Roads Authority, Kenya Wildlife Service and Kenya Forest Service;
 - (b) mechanical and transport equipment shall be retained by the national government for a period of six months and the Transition Authority shall during that period develop modalities of sharing the mechanical and transport equipment;
 - (c) public road transport on licensing of public service vehicles operations; and
- 6. Trade development and regulation—**
- (i) fair trading practices including—
 - (i) verification of weighing and measuring instruments;
 - (ii) inspection of weighing and measuring instruments and pre-packed goods;
 - (iii) investigation of complaints relating to unfair trade practices; and
 - (iv) prosecution of offences arising from unfair trade practices;
 - (ii) co-operative societies—
 - (i) promotion of co-operative societies;
 - (ii) processing of application for registration;

[Subsidiary]

- (iii) inspections and investigations;
- (iv) training needs assessment for co-operative movement;
- (v) market information dissemination and advisory services;
- (vi) banking inspections local Savings and Credit Co-operative Societies;
- (vii) risk assessment in Savings and Credit Co-operative Societies;
- (viii) investment advisory services;
- (ix) co-ordination and monitoring of co-operative indemnity by co-operative leaders;
- (x) promotion of co-operative ventures and innovations for local co-operatives;
- (xi) carrying out certification audits;
- (xii) carrying out continuous and compliance audits;
- (xiii) co-operative advisory services;
- (xiv) pre-co-operative education;
- (xv) settlement of disputes (arbitration); and
- (xvi) registration of co-operative societies audited accounts.

7. County planning and development—

- (i) statistical services including—
 - (i) custodian of official statistics in the county;
 - (ii) maintenance of a comprehensive and reliable county socio-economic database;
 - (iii) quality assurance of statistical information;
 - (iv) collection and compilation of statistical information;
 - (v) analysis of statistical information;
 - (vi) publication and dissemination of statistical information for public use; and
 - (vii) co-ordination, monitoring and supervision of the county statistical system;
- (ii) boundaries and fencing including—
 - (i) determination of property boundaries;
 - (ii) solving of property boundary disputes;
 - (iii) showing of property boundaries;
 - (iv) ensuring fencing and development of properties; and
 - (v) finalization of surveying of administrative boundaries within the counties; and
- (iii) identification of the renewable energy sites for development, excluding identification and implementation of the rural electrification projects, management of the Rural Electrification Fund and development of isolated diesel stations, which shall be transferred within the transition period as per the Rural Electrification Authority schedules.

8. Village polytechnics.**9. Implementation of specific national government policies on natural resources and environmental conservation—**

- (a) soil and water conservation—
 - (i) implementation of county specific water conservation and forestry policies through water resource users;
 - (ii) water pollution control; and

- (iii) borehole site identification and drilling; and
- (b) forestry including farm forest extension services, forests and game reserves formerly managed by local authorities excluding forests managed by Kenya Forest Service, National Water Towers and private forests.

10. County public works and services—

- (a) public works including designing, documentation, post contracting, project management of construction and maintenance of public buildings and other infrastructural services. Construction of footbridges; and
- (b) water and sanitation services including rural water and sanitation services, provision of water and sanitation service in small and medium towns without formal service providers, water harvesting (specific to counties), urban water and sanitation services with formal service provision including water, sanitation and sewerage companies, excluding Water Service Boards, Water Services Regulatory Board and Water Resources Management Authority.

11. Ensuring and co-ordinating the participation of communities and locations in governance at the local level and assisting communities and locations to develop the administrative capacity for the effective exercise of the functions and powers and participation in governance at the local level.

TRANSFER OF FUNCTIONS, 2013

[L.N. 141/2013.]

Pursuant to section 15 of the Sixth Schedule to the Constitution as read with sections 23 and 24 of the Transition to Devolved Governments Act, 2012 and further to the Legal Notice No. 16 of 2013, the Transition Authority approves the transfer of the functions specified in the Schedule to the county government of Elgeyo Marakwet, with effect from the 9th August, 2013:

Provided that the responsibility for the personnel emoluments related to the discharge of the devolved functions shall be managed by the national government for a period not exceeding six months or as shall be agreed upon between the two levels of government, whichever comes first.

SCHEDULE**1. Agriculture—****(a) crop husbandry including—**

- (i) provision of agricultural extension services or farmer advisory services;
- (ii) development and implementation of programmes in the agricultural sector to address food security in the county;
- (iii) construction of grain storage structures;
- (iv) enforcement of regulations and standards on quality control of inputs, produce and products from the agricultural sector;
- (v) availing farm inputs such as certified seeds, fertilizer and other planting materials, such as cassava cutting or potato vines, to farmers;
- (vi) development of programmes to intervene on soil and water management and conservation of the natural resource base for agriculture;
- (vii) promotion of market access for agricultural products;
- (viii) provision of infrastructure to promote agricultural production and marketing as well as agro-processing and value chains;
- (ix) enhancing accessibility to affordable credit and insurance packages for farmers;
- (x) management of agricultural training centers and agricultural mechanization stations:

Provided that the management of agricultural training centers and agricultural mechanization station shall be transferred after six months, to enable the requisite structures and mechanisms to be put in place by the Transition Authority;

- (xi) land development services such as construction of water pans for horticultural production for food security;
 - (xii) formulation and review of county specific policies;
 - (xiii) developing and enacting legislation and regulatory frameworks for county specific policies; and
 - (xiv) implementation of national and county specific policies and legislation;
- (b) animal husbandry including livestock extension services to deliver husbandry technologies to livestock farmers and pastoralists, through farm demonstrations, farmer field days, farmer field schools, agricultural shows, individual farm visits, farmer training courses (residential and non-residential), barazas, farmer tours, posters, brochures or leaflets;

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- (c) plant and animal disease control including carrying out, co-ordinating and overseeing—
 - (i) communal dipping and spraying operations and vaccination campaigns; and
 - (ii) control of plant pests, diseases and noxious weeds that are specific to counties; and
- (d) fisheries including—
 - (i) fisheries extension services;
 - (ii) upscaling seaweed, fin fish and crustacean culture;
 - (iii) county fish seed bulking units;
 - (iv) on-farm trials;
 - (v) fish health certification;
 - (vi) development and maintenance of fish landing stations and jetties, fish auction centers and fish landing fees;
 - (vii) demarcation of all fish breeding areas and fencing of fish landing stations;
 - (viii) fish trade licensing and fish movement permits;
 - (ix) collection of fish production statistics;
 - (x) enforcement of fisheries regulations and compliance with management measures;
 - (xi) implementation of fisheries policy, fisheries management measures and regulation and limiting access to fishing;
 - (xii) fisheries monitoring, control and surveillance; and
 - (xiii) zonation for aquaculture-county specific disease control.

2. County health services—

- (a) county health facilities and pharmacies including—
 - (i) county health facilities including county and sub-county hospitals, rural health centres, dispensaries, rural health training and demonstration centres. Rehabilitation and maintenance of county health facilities including maintenance of vehicles, medical equipment and machinery. Inspection and licensing of medical premises including reporting;
 - (ii) county health pharmacies including specifications, quantification, storage, distribution, dispensing and rational use of medical commodities:

Provided that until alternative intergovernmental arrangements are made, all counties shall procure medical commodities from the Kenya Medical Supplies Authority except where a particular commodity required by a county government is not available at the Kenya Medical Supplies Authority;
- (b) ambulance services including emergency response and patient referral system;
- (c) promotion of primary health care including health education, health promotion, community health services, reproductive health, child health, tuberculosis, HIV, malaria, school health program, environmental health, maternal health care, immunization, disease surveillance, outreach services, referral, nutrition, occupational safety, food and water quality and safety, disease screening, hygiene and sanitation, disease prevention and control, ophthalmic services, clinical services, rehabilitation, mental health, laboratory services, oral health, disaster preparedness and disease outbreak services.

Planning and monitoring, health information system (data collection, collation, analysis and reporting), supportive supervision, patient and health facility records and inventories;

- (d) licensing and control of undertakings that sell food to the public including food safety and control;
- (e) veterinary services to carry out, co-ordinate and oversee veterinary services including clinical services, artificial insemination, and reproductive health management; but excluding regulation of the profession; and
- (f) enforcement of waste management policies, standards and regulations; in particular—
 - (i) refuse removal (garbage) including, provision of waste collection bins, segregation of waste at source, licensing of waste transportation;
 - (ii) refuse dumps including zoning waste operational areas, conducting environmental impact assessment for the siting of dumps, fencing of dumps, controlling fires, monitoring waste characteristics and monitoring of waste water from the dumpsite (leachate); and
 - (iii) solid waste disposal including enforcement of national waste management policies, standards and laws with respect to landfilling, incineration with energy recovery, compositing, recycling and operation of transfer stations.

3. Control of air pollution, noise pollution and other public nuisance including—

- (a) control of noise pollution and other public nuisances;
- (b) licensing for persons exceeding the permissible noise levels; and
- (d) noise mapping and action plan development,

excluding the implementation of nationally set ambient air quality standards.

4. Cultural services, public entertainment and public amenities—

- (b) county betting, casinos and other forms of gambling;
- (c) racing;
- (d) cinemas;
- (e) libraries excluding Kenya National Library Services; and
- (f) museums.

5. County transport including—

- (a) county roads including primary roads linking all sub-county headquarters and minor roads linking markets and administrative centers excluding roads being managed by Kenya Urban Roads Authority, Kenya Rural Roads Authority, Kenya Wildlife Service and Kenya Forest Service;
- (b) mechanical and transport equipment shall be retained by the national government for a period of six months and the Transition Authority shall during that period develop modalities of sharing the mechanical and transport equipment; and
- (c) public road transport on licensing of public service vehicles operations.

6. Trade development and regulation—

- (a) fair trading practices including—
 - (i) verification of weighing and measuring instruments;
 - (ii) inspection of weighing and measuring instruments and pre-packed goods;
 - (iii) investigation of complaints relating to unfair trade practices; and
 - (iv) prosecution of offences arising from unfair trade practices;

[Subsidiary]

- (b) co-operative societies—
 - (i) promotion of co-operative societies;
 - (ii) processing of application for registration;
 - (iii) inspections and investigations;
 - (iv) training needs assessment for co-operative movement;
 - (v) market information dissemination and advisory services;
 - (vi) banking inspections local Savings and Credit Co-operative Societies;
 - (vii) risk assessment in Savings and Credit Co-operative Societies;
 - (viii) investment advisory services;
 - (ix) co-ordination and monitoring of co-operative indemnity by co-operative leaders;
 - (x) promotion of co-operative ventures and innovations for local co-operatives;
 - (xi) carrying out certification audits;
 - (xii) carrying out continuous and compliance audits;
 - (xiii) co-operative advisory services;
 - (xiv) pre-co-operative education;
 - (xv) settlement of disputes (arbitration); and
 - (xvi) registration of co-operative societies audited accounts.

7. County planning and development—

- (a) statistical services including—
 - (i) custodian of official statistics in the county;
 - (ii) maintenance of a comprehensive and reliable county socio-economic database;
 - (iii) quality assurance of statistical information;
 - (iv) collection and compilation of statistical information;
 - (v) analysis of statistical information;
 - (vi) publication and dissemination of statistical information for public use; and
 - (vii) co-ordination, monitoring and supervision of the county statistical system;
- (b) (boundaries and fencing including—
 - (i) determination of property boundaries;
 - (ii) solving of property boundary disputes;
 - (iii) showing of property boundaries;
 - (iv) ensuring fencing and development of properties; and
 - (v) finalization of surveying of administrative boundaries within the counties; and
- (c) identification of the renewable energy sites for development, excluding identification and implementation of the rural electrification projects, management of the Rural Electrification Fund and development of isolated diesel stations, which shall be transferred within the transition period as per the Rural Electrification Authority schedules.

8. Village polytechnics.

9. Implementation of specific national government policies on natural resources and environmental conservation—

- (a) soil and water conservation—
 - (i) implementation of county specific water conservation and forestry policies through water resource users;
 - (ii) water pollution control; and
 - (iii) borehole site identification and drilling; and
- (b) forestry including farm forest extension services, forests and game reserves formerly managed by local authorities excluding forests managed by Kenya Forest Service, National Water Towers and private forests.

10. County public works and services—

- (a) public works including designing, documentation, post contracting, project management of construction and maintenance of public buildings and other infrastructural services. Construction of footbridges; and
- (b) water and sanitation services including rural water and sanitation services, provision of water and sanitation service in small and medium towns without formal service providers, water harvesting (specific to counties), urban water and sanitation services with formal service provision including water, sanitation and sewerage companies, excluding Water Service Boards, Water Services Regulatory Board and Water Resources Management Authority.

11. Ensuring and co-ordinating the participation of communities and locations in governance at the local level and assisting communities and locations to develop the administrative capacity for the effective exercise of the functions and powers and participation in governance at the local level.

TRANSFER OF FUNCTIONS, 2013

[L.N. 142/2013.]

Pursuant to section 15 of the Sixth Schedule to the Constitution as read with sections 23 and 24 of the Transition to Devolved Governments Act, 2012 and further to the Legal Notice No. 16 of 2013, the Transition Authority approves the transfer of the functions specified in the Schedule to the county government of Embu, with effect from the 9th August, 2013:

Provided that the responsibility for the personnel emoluments related to the discharge of the devolved functions shall be managed by the national government for a period not exceeding six months or as shall be agreed upon between the two levels of government, whichever comes first.

Legal Notice No. 124 of 2013 is revoked.

SCHEDULE**1. Agriculture—**

- (a) crop husbandry including—
- (i) provision of agricultural extension services or farmer advisory services;
 - (ii) development and implementation of programmes in the agricultural sector to address food security in the county;
 - (iii) construction of grain storage structures;
 - (iv) enforcement of regulations and standards on quality control of inputs, produce and products from the agricultural sector;
 - (v) availing farm inputs such as certified seeds, fertilizer and other planting materials, such as cassava cutting or potato vines, to farmers;
 - (vi) development of programmes to intervene on soil and water management and conservation of the natural resource base for agriculture;
 - (vii) promotion of market access for agricultural products;
 - (viii) provision of infrastructure to promote agricultural production and marketing as well as agro-processing and value chains;
 - (ix) enhancing accessibility to affordable credit and insurance packages for farmers;
 - (x) management of agricultural training centers and agricultural mechanization stations:

Provided that the management of agricultural training centers and agricultural mechanization station shall be transferred after six months, to enable the requisite structures and mechanisms to be put in place by the Transition Authority;
 - (xi) land development services such as construction of water pans for horticultural production for food security;
 - (xii) formulation and review of county specific policies;
 - (xiii) developing and enacting legislation and regulatory frameworks for county specific policies; and
 - (xiv) implementation of national and county specific policies and legislation;
- (b) animal husbandry including livestock extension services to deliver husbandry technologies to livestock farmers and pastoralists, through farm demonstrations, farmer field days, farmer field schools, agricultural shows, individual farm visits, farmer training courses (residential and non-residential), barazas, farmer tours, posters, brochures or leaflets;

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- (c) plant and animal disease control including carrying out, co-ordinating and overseeing—
 - (i) communal dipping and spraying operations and vaccination campaigns; and
 - (ii) control of plant pests, diseases and noxious weeds that are specific to counties; and
- (d) fisheries including—
 - (i) fisheries extension services;
 - (ii) upscaling seaweed, fin fish and crustacean culture;
 - (iii) county fish seed bulking units;
 - (iv) on-farm trials;
 - (v) fish health certification;
 - (vi) development and maintenance of fish landing stations and jetties, fish auction centers and fish landing fees;
 - (vii) demarcation of all fish breeding areas and fencing of fish landing stations;
 - (viii) fish trade licensing and fish movement permits;
 - (ix) collection of fish production statistics;
 - (x) enforcement of fisheries regulations and compliance with management measures;
 - (xi) implementation of fisheries policy, fisheries management measures and regulation and limiting access to fishing;
 - (xii) fisheries monitoring, control and surveillance; and
 - (xiii) zonation for aquaculture-county specific disease control.

2. County health services—

- (a) county health facilities and pharmacies including—
 - (i) county health facilities including Embu Provincial General Hospital, county health services including county and sub-county hospitals, rural health centres, dispensaries, rural health training and demonstration centres. Rehabilitation and maintenance of county health facilities including maintenance of vehicles, medical equipment and machinery. Inspection and licensing of medical premises including reporting;
 - (ii) county health pharmacies including specifications, quantification, storage, distribution, dispensing and rational use of medical commodities:

Provided that until alternative intergovernmental arrangements are made, all counties shall procure medical commodities from the Kenya Medical Supplies Authority except where a particular commodity required by a county government is not available at the Kenya Medical Supplies Authority;
- (b) ambulance services including emergency response and patient referral system;
- (c) promotion of primary health care including health education, health promotion, community health services, reproductive health, child health, tuberculosis, HIV, malaria, school health program, environmental health, maternal health care, immunization, disease surveillance, outreach services, referral, nutrition, occupational safety, food and water quality and safety, disease screening, hygiene and sanitation, disease prevention and control, ophthalmic services, clinical services, rehabilitation, mental health, laboratory services, oral health, disaster preparedness and disease outbreak services.

Planning and monitoring, health information system (data collection, collation, analysis and reporting), supportive supervision, patient and health facility records and inventories;

- (d) licensing and control of undertakings that sell food to the public including food safety and control;
- (e) veterinary services to carry out, co-ordinate and oversee veterinary services including clinical services, artificial insemination, and reproductive health management; but excluding regulation of the profession; and
- (f) enforcement of waste management policies, standards and regulations; in particular—
 - (i) refuse removal (garbage) including, provision of waste collection bins, segregation of waste at source, licensing of waste transportation;
 - (ii) refuse dumps including zoning waste operational areas, conducting environmental impact assessment for the siting of dumps, fencing of dumps, controlling fires, monitoring waste characteristics and monitoring of waste water from the dumpsite (leachate); and
 - (iii) solid waste disposal including enforcement of national waste management policies, standards and laws with respect to landfilling, incineration with energy recovery, compositing, recycling and operation of transfer stations.

3. Control of air pollution, noise pollution and other public nuisance including—

- (a) control of noise pollution and other public nuisances;
- (b) licensing for persons exceeding the permissible noise levels; and
- (c) noise mapping and action plan development,

excluding the implementation of nationally set ambient air quality standards.

4. Cultural services, public entertainment and public amenities—

- (a) county betting, casinos and other forms of gambling;
- (b) racing;
- (c) cinemas;
- (d) libraries excluding Kenya National Library Services; and
- (e) museums.

5. County transport including—

- (a) county roads including primary roads linking all sub-county headquarters and minor roads linking markets and administrative centers excluding roads being managed by Kenya Urban Roads Authority, Kenya Rural Roads Authority, Kenya Wildlife Service and Kenya Forest Service;
- (b) mechanical and transport equipment shall be retained by the national government for a period of six months and the Transition Authority shall during that period develop modalities of sharing the mechanical and transport equipment;
- (c) public road transport on licensing of public service vehicles operations.

6. Trade development and regulation—

- (a) fair trading practices including—
 - (i) verification of weighing and measuring instruments;
 - (ii) inspection of weighing and measuring instruments and pre-packed goods;
 - (iii) investigation of complaints relating to unfair trade practices; and
 - (iv) prosecution of offences arising from unfair trade practices;

[Subsidiary]

- (b) co-operative societies—
 - (i) promotion of co-operative societies;
 - (ii) processing of application for registration;
 - (iii) inspections and investigations;
 - (iv) training needs assessment for co-operative movement;
 - (v) market information dissemination and advisory services;
 - (vi) banking inspections local Savings and Credit Co-operative Societies;
 - (vii) risk assessment in Savings and Credit Co-operative Societies;
 - (viii) investment advisory services;
 - (ix) co-ordination and monitoring of co-operative indemnity by co-operative leaders;
 - (x) promotion of co-operative ventures and innovations for local co-operatives;
 - (xi) carrying out certification audits;
 - (xii) carrying out continuous and compliance audits;
 - (xiii) co-operative advisory services;
 - (xiv) pre-co-operative education;
 - (xv) settlement of disputes (arbitration); and
 - (xvi) registration of co-operative societies audited accounts.

7. County planning and development—

- (a) statistical services including—
 - (i) custodian of official statistics in the county;
 - (ii) maintenance of a comprehensive and reliable county socio-economic database;
 - (iii) quality assurance of statistical information;
 - (iv) collection and compilation of statistical information;
 - (v) analysis of statistical information;
 - (vi) publication and dissemination of statistical information for public use; and
 - (vii) co-ordination, monitoring and supervision of the county statistical system;
- (b) boundaries and fencing including—
 - (i) determination of property boundaries;
 - (ii) solving of property boundary disputes;
 - (iii) showing of property boundaries;
 - (iv) ensuring fencing and development of properties; and
 - (v) finalization of surveying of administrative boundaries within the counties; and
- (c) identification of the renewable energy sites for development, excluding identification and implementation of the rural electrification projects, management of the Rural Electrification Fund and development of isolated diesel stations, which shall be transferred within the transition period as per the Rural Electrification Authority schedules.

8. Village polytechnics.

9. Implementation of specific national government policies on natural resources and environmental conservation—

- (a) soil and water conservation—
 - (i) implementation of county specific water conservation and forestry policies through water resource users;
 - (ii) water pollution control; and
 - (iii) borehole site identification and drilling; and
- (b) forestry including farm forest extension services, forests and game reserves formerly managed by local authorities excluding forests managed by Kenya Forest Service, National Water Towers and private forests.

10. County public works and services—

- (a) public works including designing, documentation, post contracting, project management of construction and maintenance of public buildings and other infrastructural services. Construction of footbridges; and
- (b) water and sanitation services including rural water and sanitation services, provision of water and sanitation service in small and medium towns without formal service providers, water harvesting (specific to counties), urban water and sanitation services with formal service provision including water, sanitation and sewerage companies, excluding Water Service Boards, Water Services Regulatory Board and Water Resources Management Authority.

11. Ensuring and co-ordinating the participation of communities and locations in governance at the local level and assisting communities and locations to develop the administrative capacity for the effective exercise of the functions and powers and participation in governance at the local level.

TRANSFER OF FUNCTIONS, 2013

[L.N. 143/2013.]

Pursuant to section 15 of the Sixth Schedule to the Constitution as read with sections 23 and 24 of the Transition to Devolved Governments Act, 2012 and further to the Legal Notice No. 16 of 2013, the Transition Authority approves the transfer of the functions specified in the Schedule to the county government of Garissa, with effect from the 9th August, 2013:

Provided that the responsibility for the personnel emoluments related to the discharge of the devolved functions shall be managed by the national government for a period not exceeding six months or as shall be agreed upon between the two levels of government, whichever comes first.

SCHEDULE
1. Agriculture—

- (a) crop husbandry including—
- (i) provision of agricultural extension services or farmer advisory services;
 - (ii) development and implementation of programmes in the agricultural sector to address food security in the county;
 - (iii) construction of grain storage structures;
 - (iv) enforcement of regulations and standards on quality control of inputs, produce and products from the agricultural sector;
 - (v) availing farm inputs such as certified seeds, fertilizer and other planting materials, such as cassava cutting or potato vines, to farmers;
 - (vi) development of programmes to intervene on soil and water management and conservation of the natural resource base for agriculture;
 - (vii) promotion of market access for agricultural products;
 - (viii) provision of infrastructure to promote agricultural production and marketing as well as agro-processing and value chains;
 - (ix) enhancing accessibility to affordable credit and insurance packages for farmers;
 - (x) management of agricultural training centers and agricultural mechanization stations:

Provided that the management of agricultural training centers and agricultural mechanization station shall be transferred after six months, to enable the requisite structures and mechanisms to be put in place by the Transition Authority;
 - (xi) land development services such as construction of water pans for horticultural production for food security;
 - (xii) formulation and review of county specific policies;
 - (xiii) developing and enacting legislation and regulatory frameworks for county specific policies; and
 - (xiv) implementation of national and county specific policies and legislation;
- (b) animal husbandry including livestock extension services to deliver husbandry technologies to livestock farmers and pastoralists, through farm demonstrations, farmer field days, farmer field schools, agricultural shows, individual farm visits, farmer training courses (residential and non-residential), barazas, farmer tours, posters, brochures or leaflets;

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- (c) plant and animal disease control including carrying out, co-ordinating and overseeing—
 - (i) communal dipping and spraying operations and vaccination campaigns; and
 - (ii) control of plant pests, diseases and noxious weeds that are specific to counties; and
- (d) fisheries including—
 - (i) fisheries extension services;
 - (ii) upscaling seaweed, fin fish and crustacean culture;
 - (iii) county fish seed bulking units;
 - (iv) on-farm trials;
 - (v) fish health certification;
 - (vi) development and maintenance of fish landing stations and jetties, fish auction centers and fish landing fees;
 - (vii) demarcation of all fish breeding areas and fencing of fish landing stations;
 - (viii) fish trade licensing and fish movement permits;
 - (ix) collection of fish production statistics;
 - (x) enforcement of fisheries regulations and compliance with management measures;
 - (xi) implementation of fisheries policy, fisheries management measures and regulation and limiting access to fishing;
 - (xii) fisheries monitoring, control and surveillance; and
 - (xiii) zonation for aquaculture-county specific disease control.

2. County health services—

- (a) county health facilities and pharmacies including—
 - (i) county health facilities including Garissa Provincial General Hospital, county health services including county and sub-county hospitals, rural health centres, dispensaries, rural health training and demonstration centres. Rehabilitation and maintenance of county health facilities including maintenance of vehicles, medical equipment and machinery. Inspection and licensing of medical premises including reporting;
 - (ii) county health pharmacies including specifications, quantification, storage, distribution, dispensing and rational use of medical commodities:

Provided that until alternative intergovernmental arrangements are made, all counties shall procure medical commodities from the Kenya Medical Supplies Authority except where a particular commodity required by a county government is not available at the Kenya Medical Supplies Authority;
- (b) ambulance services including emergency response and patient referral system;
- (c) promotion of primary health care including health education, health promotion, community health services, reproductive health, child health, tuberculosis, HIV, malaria, school health program, environmental health, maternal health care, immunization, disease surveillance, outreach services, referral, nutrition, occupational safety, food and water quality and safety, disease screening, hygiene and sanitation, disease prevention and control, ophthalmic services, clinical services, rehabilitation, mental health, laboratory services, oral health, disaster preparedness and disease outbreak services.

Planning and monitoring, health information system (data collection, collation, analysis and reporting), supportive supervision, patient and health facility records and inventories;

- (d) licensing and control of undertakings that sell food to the public including food safety and control;
- (e) veterinary services to carry out, co-ordinate and oversee veterinary services including clinical services, artificial insemination, and reproductive health management; but excluding regulation of the profession; and
- (f) enforcement of waste management policies, standards and regulations; in particular—
 - (i) refuse removal (garbage) including, provision of waste collection bins, segregation of waste at source, licensing of waste transportation;
 - (ii) refuse dumps including zoning waste operational areas, conducting environmental impact assessment for the siting of dumps, fencing of dumps, controlling fires, monitoring waste characteristics and monitoring of waste water from the dumpsite (leachate); and
 - (iii) solid waste disposal including enforcement of national waste management policies, standards and laws with respect to landfilling, incineration with energy recovery, compositing, recycling and operation of transfer stations.

3. Control of air pollution, noise pollution and other public nuisance including—

- (a) control of noise pollution and other public nuisances;
- (b) licensing for persons exceeding the permissible noise levels; and
- (c) noise mapping and action plan development,

excluding the implementation of nationally set ambient air quality standards.

4. Cultural services, public entertainment and public amenities—

- (a) county betting, casinos and other forms of gambling;
- (b) racing;
- (c) cinemas;
- (d) libraries excluding Kenya National Library Services; and
- (e) museums.

5. County transport including—

- (a) county roads including primary roads linking all sub-county headquarters and minor roads linking markets and administrative centers excluding roads being managed by Kenya Urban Roads Authority, Kenya Rural Roads Authority, Kenya Wildlife Service and Kenya Forest Service;
- (b) mechanical and transport equipment shall be retained by the national government for a period of six months and the Transition Authority shall during that period develop modalities of sharing the mechanical and transport equipment;
- (c) public road transport on licensing of public service vehicles operations.

6. Trade development and regulation—

- (a) fair trading practices including—
 - (i) verification of weighing and measuring instruments;
 - (ii) inspection of weighing and measuring instruments and pre-packed goods;
 - (iii) investigation of complaints relating to unfair trade practices; and
 - (iv) prosecution of offences arising from unfair trade practices;

[Subsidiary]

- (b) co-operative societies—
 - (i) promotion of co-operative societies;
 - (ii) processing of application for registration;
 - (iii) inspections and investigations;
 - (iv) training needs assessment for co-operative movement;
 - (v) market information dissemination and advisory services;
 - (vi) banking inspections local Savings and Credit Co-operative Societies;
 - (vii) risk assessment in Savings and Credit Co-operative Societies;
 - (viii) investment advisory services;
 - (ix) co-ordination and monitoring of co-operative indemnity by co-operative leaders;
 - (x) promotion of co-operative ventures and innovations for local co-operatives;
 - (xi) carrying out certification audits;
 - (xii) carrying out continuous and compliance audits;
 - (xiii) co-operative advisory services;
 - (xiv) pre-co-operative education;
 - (xv) settlement of disputes (arbitration); and
 - (xvi) registration of co-operative societies audited accounts.

7. County planning and development—

- (a) statistical services including—
 - (i) custodian of official statistics in the county;
 - (ii) maintenance of a comprehensive and reliable county socio-economic database;
 - (iii) quality assurance of statistical information;
 - (iv) collection and compilation of statistical information;
 - (v) analysis of statistical information;
 - (vi) publication and dissemination of statistical information for public use; and
 - (vii) co-ordination, monitoring and supervision of the county statistical system;
- (b) boundaries and fencing including—
 - (i) determination of property boundaries;
 - (ii) solving of property boundary disputes;
 - (iii) showing of property boundaries;
 - (iv) ensuring fencing and development of properties; and
 - (v) finalization of surveying of administrative boundaries within the counties; and
- (c) identification of the renewable energy sites for development, excluding identification and implementation of the rural electrification projects, management of the Rural Electrification Fund and development of isolated diesel stations, which shall be transferred within the transition period as per the Rural Electrification Authority schedules.

8. Village polytechnics.

9. Implementation of specific national government policies on natural resources and environmental conservation—

- (a) soil and water conservation—
 - (i) implementation of county specific water conservation and forestry policies through water resource users;
 - (ii) water pollution control; and
 - (iii) borehole site identification and drilling; and
- (b) forestry including farm forest extension services, forests and game reserves formerly managed by local authorities excluding forests managed by Kenya Forest Service, National Water Towers and private forests.

10. County public works and services—

- (a) public works including designing, documentation, post contracting, project management of construction and maintenance of public buildings and other infrastructural services. Construction of footbridges; and
- (b) water and sanitation services including rural water and sanitation services, provision of water and sanitation service in small and medium towns without formal service providers, water harvesting (specific to counties), urban water and sanitation services with formal service provision including water, sanitation and sewerage companies, excluding Water Service Boards, Water Services Regulatory Board and Water Resources Management Authority.

11. Ensuring and co-ordinating the participation of communities and locations in governance at the local level and assisting communities and locations to develop the administrative capacity for the effective exercise of the functions and powers and participation in governance at the local level.

TRANSFER OF FUNCTIONS, 2013

[L.N. 144/2013.]

Pursuant to section 15 of the Sixth Schedule to the Constitution as read with sections 23 and 24 of the Transition to Devolved Governments Act, 2012 and further to the Legal Notice No. 16 of 2013, the Transition Authority approves the transfer of the functions specified in the Schedule to the county government of HomaBay, with effect from the 9th August, 2013:

Provided that the responsibility for the personnel emoluments related to the discharge of the devolved functions shall be managed by the national government for a period not exceeding six months or as shall be agreed upon between the two levels of government, whichever comes first.

Legal Notice No. 126 of 2013 is revoked.

SCHEDULE
1. Agriculture—

- (a) crop husbandry including—
- (i) provision of agricultural extension services or farmer advisory services;
 - (ii) development and implementation of programmes in the agricultural sector to address food security in the county;
 - (iii) construction of grain storage structures;
 - (iv) enforcement of regulations and standards on quality control of inputs, produce and products from the agricultural sector;
 - (v) availing farm inputs such as certified seeds, fertilizer and other planting materials, such as cassava cutting or potato vines, to farmers;
 - (vi) development of programmes to intervene on soil and water management and conservation of the natural resource base for agriculture;
 - (vii) promotion of market access for agricultural products;
 - (viii) provision of infrastructure to promote agricultural production and marketing as well as agro-processing and value chains;
 - (ix) enhancing accessibility to affordable credit and insurance packages for farmers;
 - (x) management of agricultural training centers and agricultural mechanization stations:

Provided that the management of agricultural training centers and agricultural mechanization station shall be transferred after six months, to enable the requisite structures and mechanisms to be put in place by the Transition Authority;
 - (xi) land development services such as construction of water pans for horticultural production for food security;
 - (xii) formulation and review of county specific policies;
 - (xiii) developing and enacting legislation and regulatory frameworks for county specific policies; and
 - (xiv) implementation of national and county specific policies and legislation;
- (b) animal husbandry including livestock extension services to deliver husbandry technologies to livestock farmers and pastoralists, through farm demonstrations, farmer field days, farmer field schools, agricultural shows,

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individual farm visits, farmer training courses (residential and non-residential), barazas, farmer tours, posters, brochures or leaflets;

- (c) plant and animal disease control including carrying out, co-ordinating and overseeing—
 - (i) communal dipping and spraying operations and vaccination campaigns; and
 - (ii) control of plant pests, diseases and noxious weeds that are specific to counties; and
- (d) fisheries including—
 - (i) fisheries extension services;
 - (ii) upscaling seaweed, fin fish and crustacean culture;
 - (iii) county fish seed bulking units;
 - (iv) maintenance of county fish auction centres;
 - (v) on-farm trials;
 - (vi) fish health certification;
 - (vii) development and maintenance of fish landing stations and jetties, fish auction centers and fish landing fees;
 - (viii) demarcation of all fish breeding areas and fencing of fish landing stations;
 - (ix) fish trade licensing and fish movement permits;
 - (x) collection of fish production statistics;
 - (xi) enforcement of fisheries regulations and compliance with management measures;
 - (xii) implementation of fisheries policy, fisheries management measures and regulation and limiting access to fishing;
 - (xiii) fisheries monitoring, control and surveillance; and
 - (xiv) zonation for aquaculture-county specific disease control.

2. County health services—

- (a) county health facilities and pharmacies including—
 - (i) county health facilities including county and sub-county hospitals, rural health centres, dispensaries, rural health training and demonstration centres. Rehabilitation and maintenance of county health facilities including maintenance of vehicles, medical equipment and machinery. Inspection and licensing of medical premises including reporting;
 - (ii) county health pharmacies including specifications, quantification, storage, distribution, dispensing and rational use of medical commodities:

Provided that until alternative intergovernmental arrangements are made, all counties shall procure medical commodities from the Kenya Medical Supplies Authority except where a particular commodity required by a county government is not available at the Kenya Medical Supplies Authority;
- (b) ambulance services including emergency response and patient referral system;
- (c) promotion of primary health care including health education, health promotion, community health services, reproductive health, child health, tuberculosis, HIV, malaria, school health program, environmental health, maternal health care, immunization, disease surveillance, outreach services, referral, nutrition, occupational safety, food and water quality and safety, disease screening, hygiene and sanitation, disease prevention and control,

ophthalmic services, clinical services, rehabilitation, mental health, laboratory services, oral health, disaster preparedness and disease outbreak services. Planning and monitoring, health information system (data collection, collation, analysis and reporting), supportive supervision, patient and health facility records and inventories;

- (d) licensing and control of undertakings that sell food to the public including food safety and control;
- (e) veterinary services to carry out, co-ordinate and oversee veterinary services including clinical services, artificial insemination, and reproductive health management; but excluding regulation of the profession; and
- (f) enforcement of waste management policies, standards and regulations; in particular—
 - (i) refuse removal (garbage) including, provision of waste collection bins, segregation of waste at source, licensing of waste transportation;
 - (ii) refuse dumps including zoning waste operational areas, conducting environmental impact assessment for the siting of dumps, fencing of dumps, controlling fires, monitoring waste characteristics and monitoring of waste water from the dumpsite (leachate); and
 - (iii) solid waste disposal including enforcement of national waste management policies, standards and laws with respect to landfilling, incineration with energy recovery, compositing, recycling and operation of transfer stations.

3. Control of air pollution, noise pollution and other public nuisance including—

- (a) control of noise pollution and other public nuisances;
- (b) licensing for persons exceeding the permissible noise levels; and
- (c) noise mapping and action plan development,

excluding the implementation of nationally set ambient air quality standards.

4. Cultural services, public entertainment and public amenities—

- (a) county betting, casinos and other forms of gambling;
- (b) racing;
- (c) cinemas;
- (d) libraries excluding Kenya National Library Services; and
- (e) museums.

5. County transport including—

- (a) county roads including primary roads linking all sub-county headquarters and minor roads linking markets and administrative centers excluding roads being managed by Kenya Urban Roads Authority, Kenya Rural Roads Authority, Kenya Wildlife Service and Kenya Forest Service;
- (b) mechanical and transport equipment shall be retained by the national government for a period of six months and the Transition Authority shall during that period develop modalities of sharing the mechanical and transport equipment;
- (c) public road transport on licensing of public service vehicles operations.
- (d) ferries and harbors including development, maintenance and operations of ferries and harbors operating in inland lakes and waters.

6. Trade development and regulation—

- (a) fair trading practices including—
 - (i) verification of weighing and measuring instruments;

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- (ii) inspection of weighing and measuring instruments and pre-packed goods;
- (iii) investigation of complaints relating to unfair trade practices; and
- (iv) prosecution of offences arising from unfair trade practices;
- (b) co-operative societies—
 - (i) promotion of co-operative societies;
 - (ii) processing of application for registration;
 - (iii) inspections and investigations;
 - (iv) training needs assessment for co-operative movement;
 - (v) market information dissemination and advisory services;
 - (vi) banking inspections local Savings and Credit Co-operative Societies;
 - (vii) risk assessment in Savings and Credit Co-operative Societies;
 - (viii) investment advisory services;
 - (ix) co-ordination and monitoring of co-operative indemnity by co-operative leaders;
 - (x) promotion of co-operative ventures and innovations for local co-operatives;
 - (xi) carrying out certification audits;
 - (xii) carrying out continuous and compliance audits;
 - (xiii) co-operative advisory services;
 - (xiv) pre-co-operative education;
 - (xv) settlement of disputes (arbitration); and
 - (xvi) registration of co-operative societies audited accounts.

7. County planning and development—

- (a) statistical services including—
 - (i) custodian of official statistics in the county;
 - (ii) maintenance of a comprehensive and reliable county socio-economic database;
 - (iii) quality assurance of statistical information;
 - (iv) collection and compilation of statistical information;
 - (v) analysis of statistical information;
 - (vi) publication and dissemination of statistical information for public use; and
 - (vii) co-ordination, monitoring and supervision of the county statistical system;
- (b) boundaries and fencing including—
 - (i) determination of property boundaries;
 - (ii) solving of property boundary disputes;
 - (iii) showing of property boundaries;
 - (iv) ensuring fencing and development of properties; and
 - (v) finalization of surveying of administrative boundaries within the counties; and
- (c) identification of the renewable energy sites for development, excluding identification and implementation of the rural electrification projects, management of the Rural Electrification Fund and development of isolated diesel stations, which shall be transferred within the transition period as per the Rural Electrification Authority schedules.

8. Village polytechnics.
9. Implementation of specific national government policies on natural resources and environmental conservation—
- (a) soil and water conservation—
 - (i) implementation of county specific water conservation and forestry policies through water resource users;
 - (ii) water pollution control; and
 - (iii) borehole site identification and drilling; and
 - (b) forestry including farm forest extension services, forests and game reserves formerly managed by local authorities excluding forests managed by Kenya Forest Service, National Water Towers and private forests.
10. County public works and services—
- (a) public works including designing, documentation, post contracting, project management of construction and maintenance of public buildings and other infrastructural services. Construction of footbridges; and
 - (b) water and sanitation services including rural water and sanitation services, provision of water and sanitation service in small and medium towns without formal service providers, water harvesting (specific to counties), urban water and sanitation services with formal service provision including water, sanitation and sewerage companies, excluding Water Service Boards, Water Services Regulatory Board and Water Resources Management Authority.
11. Ensuring and co-ordinating the participation of communities and locations in governance at the local level and assisting communities and locations to develop the administrative capacity for the effective exercise of the functions and powers and participation in governance at the local level.
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TRANSFER OF FUNCTIONS, 2013

[L.N. 145/2013.]

Pursuant to section 15 of the Sixth Schedule to the Constitution as read with sections 23 and 24 of the Transition to Devolved Governments Act, 2012 and further to the Legal Notice No. 16 of 2013, the Transition Authority approves the transfer of the functions specified in the Schedule to the county government of Isiolo, with effect from the 9th August, 2013:

Provided that the responsibility for the personnel emoluments related to the discharge of the devolved functions shall be managed by the national government for a period not exceeding six months or as shall be agreed upon between the two levels of government, whichever comes first.

SCHEDULE**1. Agriculture—**

- (a) crop husbandry including—
- (i) provision of agricultural extension services or farmer advisory services;
 - (ii) development and implementation of programmes in the agricultural sector to address food security in the county;
 - (iii) construction of grain storage structures;
 - (iv) enforcement of regulations and standards on quality control of inputs, produce and products from the agricultural sector;
 - (v) availing farm inputs such as certified seeds, fertilizer and other planting materials, such as cassava cutting or potato vines, to farmers;
 - (vi) development of programmes to intervene on soil and water management and conservation of the natural resource base for agriculture;
 - (vii) promotion of market access for agricultural products;
 - (viii) provision of infrastructure to promote agricultural production and marketing as well as agro-processing and value chains;
 - (ix) enhancing accessibility to affordable credit and insurance packages for farmers;
 - (x) management of agricultural training centers and agricultural mechanization stations:

Provided that the management of agricultural training centers and agricultural mechanization station shall be transferred after six months, to enable the requisite structures and mechanisms to be put in place by the Transition Authority;
 - (xi) land development services such as construction of water pans for horticultural production for food security;
 - (xii) formulation and review of county specific policies;
 - (xiii) developing and enacting legislation and regulatory frameworks for county specific policies; and
 - (xv) implementation of national and county specific policies and legislation;
- (b) animal husbandry including livestock extension services to deliver husbandry technologies to livestock farmers and pastoralists, through farm demonstrations, farmer field days, farmer field schools, agricultural shows, individual farm visits, farmer training courses (residential and non-residential), barazas, farmer tours, posters, brochures or leaflets;

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- (c) plant and animal disease control including carrying out, co-ordinating and overseeing—
 - (i) communal dipping and spraying operations and vaccination campaigns; and
 - (ii) control of plant pests, diseases and noxious weeds that are specific to counties; and
- (d) fisheries including—
 - (i) fisheries extension services;
 - (ii) upscaling seaweed, fin fish and crustacean culture;
 - (iii) county fish seed bulking units;
 - (iv) on-farm trials;
 - (v) fish health certification;
 - (vi) development and maintenance of fish landing stations and jetties, fish auction centers and fish landing fees;
 - (vii) demarcation of all fish breeding areas and fencing of fish landing stations;
 - (viii) fish trade licensing and fish movement permits;
 - (ix) collection of fish production statistics;
 - (x) enforcement of fisheries regulations and compliance with management measures;
 - (xi) implementation of fisheries policy, fisheries management measures and regulation and limiting access to fishing;
 - (xii) fisheries monitoring, control and surveillance; and
 - (xiii) zonation for aquaculture-county specific disease control.

2. County health services—

- (a) county health facilities and pharmacies including—
 - (i) county health facilities including county and sub-county hospitals, rural health centres, dispensaries, rural health training and demonstration centres. Rehabilitation and maintenance of county health facilities including maintenance of vehicles, medical equipment and machinery. Inspection and licensing of medical premises including reporting;
 - (ii) county health pharmacies including specifications, quantification, storage, distribution, dispensing and rational use of medical commodities:

Provided that until alternative intergovernmental arrangements are made, all counties shall procure medical commodities from the Kenya Medical Supplies Authority except where a particular commodity required by a county government is not available at the Kenya Medical Supplies Authority;
- (b) ambulance services including emergency response and patient referral system;
- (c) promotion of primary health care including health education, health promotion, community health services, reproductive health, child health, tuberculosis, HIV, malaria, school health program, environmental health, maternal health care, immunization, disease surveillance, outreach services, referral, nutrition, occupational safety, food and water quality and safety, disease screening, hygiene and sanitation, disease prevention and control, ophthalmic services, clinical services, rehabilitation, mental health, laboratory services, oral health, disaster preparedness and disease outbreak services.

Planning and monitoring, health information system (data collection, collation, analysis and reporting), supportive supervision, patient and health facility records and inventories;

- (d) licensing and control of undertakings that sell food to the public including food safety and control;
- (e) veterinary services to carry out, co-ordinate and oversee veterinary services including clinical services, artificial insemination, and reproductive health management; but excluding regulation of the profession; and
- (f) enforcement of waste management policies, standards and regulations; in particular—
 - (i) refuse removal (garbage) including, provision of waste collection bins, segregation of waste at source, licensing of waste transportation;
 - (ii) refuse dumps including zoning waste operational areas, conducting environmental impact assessment for the siting of dumps, fencing of dumps, controlling fires, monitoring waste characteristics and monitoring of waste water from the dumpsite (leachate); and
 - (iii) solid waste disposal including enforcement of national waste management policies, standards and laws with respect to landfilling, incineration with energy recovery, compositing, recycling and operation of transfer stations.

3. Control of air pollution, noise pollution and other public nuisance including—

- (a) control of noise pollution and other public nuisances;
- (b) licensing for persons exceeding the permissible noise levels; and
- (c) noise mapping and action plan development,

excluding the implementation of nationally set ambient air quality standards.

4. Cultural services, public entertainment and public amenities—

- (a) county betting, casinos and other forms of gambling;
- (b) racing;
- (c) cinemas;
- (d) libraries excluding Kenya National Library Services; and
- (e) museums.

5. County transport including—

- (a) county roads including primary roads linking all sub-county headquarters and minor roads linking markets and administrative centers excluding roads being managed by Kenya Urban Roads Authority, Kenya Rural Roads Authority, Kenya Wildlife Service and Kenya Forest Service;
- (b) mechanical and transport equipment shall be retained by the national government for a period of six months and the Transition Authority shall during that period develop modalities of sharing the mechanical and transport equipment; and
- (c) public road transport on licensing of public service vehicles operations.

6. Trade development and regulation—

- (a) fair trading practices including—
 - (i) verification of weighing and measuring instruments;
 - (ii) inspection of weighing and measuring instruments and pre-packed goods;
 - (iii) investigation of complaints relating to unfair trade practices; and
 - (iv) prosecution of offences arising from unfair trade practices;

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- (b) co-operative societies—
 - (i) promotion of co-operative societies;
 - (ii) processing of application for registration;
 - (iii) inspections and investigations;
 - (iv) training needs assessment for co-operative movement;
 - (v) market information dissemination and advisory services;
 - (vi) banking inspections local Savings and Credit Co-operative Societies;
 - (vii) risk assessment in Savings and Credit Co-operative Societies;
 - (viii) investment advisory services;
 - (ix) co-ordination and monitoring of co-operative indemnity by co-operative leaders;
 - (x) promotion of co-operative ventures and innovations for local co-operatives;
 - (xi) carrying out certification audits;
 - (xii) carrying out continuous and compliance audits;
 - (xiii) co-operative advisory services;
 - (xiv) pre-co-operative education;
 - (xv) settlement of disputes (arbitration); and
 - (xvi) registration of co-operative societies audited accounts.

7. County planning and development—

- (a) statistical services including—
 - (i) custodian of official statistics in the county;
 - (ii) maintenance of a comprehensive and reliable county socio-economic database;
 - (iii) quality assurance of statistical information;
 - (iv) collection and compilation of statistical information;
 - (v) analysis of statistical information;
 - (vi) publication and dissemination of statistical information for public use; and
 - (vii) co-ordination, monitoring and supervision of the county statistical system;
- (b) boundaries and fencing including—
 - (i) determination of property boundaries;
 - (ii) solving of property boundary disputes;
 - (iii) showing of property boundaries;
 - (iv) ensuring fencing and development of properties; and
 - (v) finalization of surveying of administrative boundaries within the counties; and
- (c) identification of the renewable energy sites for development, excluding identification and implementation of the rural electrification projects, management of the Rural Electrification Fund and development of isolated diesel stations, which shall be transferred within the transition period as per the Rural Electrification Authority schedules.

8. Village polytechnics.

9. Implementation of specific national government policies on natural resources and environmental conservation—

- (a) soil and water conservation—
 - (i) implementation of county specific water conservation and forestry policies through water resource users;
 - (ii) water pollution control; and
 - (iii) borehole site identification and drilling; and
- (b) forestry including farm forest extension services, forests and game reserves formerly managed by local authorities excluding forests managed by Kenya Forest Service, National Water Towers and private forests.

10. County public works and services—

- (a) public works including designing, documentation, post contracting, project management of construction and maintenance of public buildings and other infrastructural services. Construction of footbridges; and
- (b) water and sanitation services including rural water and sanitation services, provision of water and sanitation service in small and medium towns without formal service providers, water harvesting (specific to counties), urban water and sanitation services with formal service provision including water, sanitation and sewerage companies, excluding Water Service Boards, Water Services Regulatory Board and Water Resources Management Authority.

11. Ensuring and co-ordinating the participation of communities and locations in governance at the local level and assisting communities and locations to develop the administrative capacity for the effective exercise of the functions and powers and participation in governance at the local level.

TRANSFER OF FUNCTIONS, 2013

[L.N. 146/2013.]

Pursuant to section 15 of the Sixth Schedule to the Constitution as read with sections 23 and 24 of the Transition to Devolved Governments Act, 2012 and further to the Legal Notice No. 16 of 2013, the Transition Authority approves the transfer of the functions specified in the Schedule to the county government of Kakamega, with effect from the 9th August, 2013:

Provided that the responsibility for the personnel emoluments related to the discharge of the devolved functions shall be managed by the national government for a period not exceeding six months or as shall be agreed upon between the two levels of government, whichever comes first.

SCHEDULE
1. Agriculture—

- (a) crop husbandry including—
- (i) provision of agricultural extension services or farmer advisory services;
 - (ii) development and implementation of programmes in the agricultural sector to address food security in the county;
 - (iii) construction of grain storage structures;
 - (iv) enforcement of regulations and standards on quality control of inputs, produce and products from the agricultural sector;
 - (v) availing farm inputs such as certified seeds, fertilizer and other planting materials, such as cassava cutting or potato vines, to farmers;
 - (vi) development of programmes to intervene on soil and water management and conservation of the natural resource base for agriculture;
 - (vii) promotion of market access for agricultural products;
 - (viii) provision of infrastructure to promote agricultural production and marketing as well as agro-processing and value chains;
 - (ix) enhancing accessibility to affordable credit and insurance packages for farmers;
 - (x) management of agricultural training centers and agricultural mechanization stations:

 Provided that the management of agricultural training centers and agricultural mechanization station shall be transferred after six months, to enable the requisite structures and mechanisms to be put in place by the Transition Authority;
 - (xi) land development services such as construction of water pans for horticultural production for food security;
 - (xii) formulation and review of county specific policies;
 - (xiii) developing and enacting legislation and regulatory frameworks for county specific policies; and
 - (xiv) implementation of national and county specific policies and legislation;
- (b) animal husbandry including livestock extension services to deliver husbandry technologies to livestock farmers and pastoralists, through farm demonstrations, farmer field days, farmer field schools, agricultural shows, individual farm visits, farmer training courses (residential and non-residential), barazas, farmer tours, posters, brochures or leaflets;

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- (c) plant and animal disease control including carrying out, co-ordinating and overseeing—
 - (i) communal dipping and spraying operations and vaccination campaigns; and
 - (ii) control of plant pests, diseases and noxious weeds that are specific to counties; and
- (d) fisheries including—
 - (i) fisheries extension services;
 - (ii) upscaling seaweed, fin fish and crustacean culture;
 - (iii) county fish seed bulking units;
 - (iv) maintenance of county fish auction centres;
 - (v) on-farm trials;
 - (vi) fish health certification;
 - (vii) development and maintenance of fish landing stations and jetties, fish auction centers and fish landing fees;
 - (viii) demarcation of all fish breeding areas and fencing of fish landing stations;
 - (ix) fish trade licensing and fish movement permits;
 - (x) collection of fish production statistics;
 - (xi) enforcement of fisheries regulations and compliance with management measures;
 - (xii) implementation of fisheries policy, fisheries management measures and regulation and limiting access to fishing;
 - (xiii) fisheries monitoring, control and surveillance; and
 - (xiv) zonation for aquaculture-county specific disease control.

2. County health services—

- (a) county health facilities and pharmacies including—
 - (i) county health facilities including Kakamega Provincial General Hospital, county health services including county and sub-county hospitals, rural health centres, dispensaries, rural health training and demonstration centres. Rehabilitation and maintenance of county health facilities including maintenance of vehicles, medical equipment and machinery. Inspection and licensing of medical premises including reporting;
 - (ii) county health pharmacies including specifications, quantification, storage, distribution, dispensing and rational use of medical commodities:

Provided that until alternative intergovernmental arrangements are made, all counties shall procure medical commodities from the Kenya Medical Supplies Authority except where a particular commodity required by a county government is not available at the Kenya Medical Supplies Authority;
- (b) ambulance services including emergency response and patient referral system;
- (c) promotion of primary health care including health education, health promotion, community health services, reproductive health, child health, tuberculosis, HIV, malaria, school health program, environmental health, maternal health care, immunization, disease surveillance, outreach services, referral, nutrition, occupational safety, food and water quality and safety, disease screening, hygiene and sanitation, disease prevention and control,

ophthalmic services, clinical services, rehabilitation, mental health, laboratory services, oral health, disaster preparedness and disease outbreak services. Planning and monitoring, health information system (data collection, collation, analysis and reporting), supportive supervision, patient and health facility records and inventories;

- (d) licensing and control of undertakings that sell food to the public including food safety and control;
- (e) veterinary services to carry out, co-ordinate and oversee veterinary services including clinical services, artificial insemination, and reproductive health management; but excluding regulation of the profession; and
- (f) enforcement of waste management policies, standards and regulations; in particular—
 - (i) refuse removal (garbage) including, provision of waste collection bins, segregation of waste at source, licensing of waste transportation;
 - (ii) refuse dumps including zoning waste operational areas, conducting environmental impact assessment for the siting of dumps, fencing of dumps, controlling fires, monitoring waste characteristics and monitoring of waste water from the dumpsite (leachate); and
 - (iii) solid waste disposal including enforcement of national waste management policies, standards and laws with respect to landfilling, incineration with energy recovery, compositing, recycling and operation of transfer stations.

3. Control of air pollution, noise pollution and other public nuisance including—

- (a) control of noise pollution and other public nuisances;
- (b) licensing for persons exceeding the permissible noise levels; and
- (c) noise mapping and action plan development,

excluding the implementation of nationally set ambient air quality standards.

4. Cultural services, public entertainment and public amenities—

- (a) county betting, casinos and other forms of gambling;
- (b) racing;
- (c) cinemas;
- (d) libraries excluding Kenya National Library Services; and
- (e) museums.

5. County transport including—

- (a) county roads including primary roads linking all sub-county headquarters and minor roads linking markets and administrative centers excluding roads being managed by Kenya Urban Roads Authority, Kenya Rural Roads Authority, Kenya Wildlife Service and Kenya Forest Service;
- (b) mechanical and transport equipment shall be retained by the national government for a period of six months and the Transition Authority shall during that period develop modalities of sharing the mechanical and transport equipment;
- (c) public road transport on licensing of public service vehicles operations.

6. Trade development and regulation—

- (a) fair trading practices including—
 - (i) verification of weighing and measuring instruments;
 - (ii) inspection of weighing and measuring instruments and pre-packed goods;

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- (iii) investigation of complaints relating to unfair trade practices; and
- (iv) prosecution of offences arising from unfair trade practices;
- (b) co-operative societies—
 - (i) promotion of co-operative societies;
 - (ii) processing of application for registration;
 - (iii) inspections and investigations;
 - (iv) training needs assessment for co-operative movement;
 - (v) market information dissemination and advisory services;
 - (vi) banking inspections local Savings and Credit Co-operative Societies;
 - (vii) risk assessment in Savings and Credit Co-operative Societies;
 - (viii) investment advisory services;
 - (ix) co-ordination and monitoring of co-operative indemnity by co-operative leaders;
 - (x) promotion of co-operative ventures and innovations for local co-operatives;
 - (xi) carrying out certification audits;
 - (xii) carrying out continuous and compliance audits;
 - (xiii) co-operative advisory services;
 - (xiv) pre-co-operative education;
 - (xv) settlement of disputes (arbitration); and
 - (xvi) registration of co-operative societies audited accounts.

7. County planning and development—

- (a) statistical services including—
 - (i) custodian of official statistics in the county;
 - (ii) maintenance of a comprehensive and reliable county socio-economic database;
 - (iii) quality assurance of statistical information;
 - (iv) collection and compilation of statistical information;
 - (v) analysis of statistical information;
 - (vi) publication and dissemination of statistical information for public use; and
 - (vii) co-ordination, monitoring and supervision of the county statistical system;
- (b) boundaries and fencing including—
 - (i) determination of property boundaries;
 - (ii) solving of property boundary disputes;
 - (iii) showing of property boundaries;
 - (iv) ensuring fencing and development of properties; and
 - (v) finalization of surveying of administrative boundaries within the counties; and
- (c) identification of the renewable energy sites for development, excluding identification and implementation of the rural electrification projects, management of the Rural Electrification Fund and development of isolated diesel stations, which shall be transferred within the transition period as per the Rural Electrification Authority schedules.

8. Village polytechnics.

- 9.** Implementation of specific national government policies on natural resources and environmental conservation—
- (a) soil and water conservation—
 - (i) implementation of county specific water conservation and forestry policies through water resource users;
 - (ii) water pollution control; and
 - (iii) borehole site identification and drilling; and
 - (b) forestry including farm forest extension services, forests and game reserves formerly managed by local authorities excluding forests managed by Kenya Forest Service, National Water Towers and private forests.
- 10.** County public works and services—
- (a) public works including designing, documentation, post contracting, project management of construction and maintenance of public buildings and other infrastructural services. Construction of footbridges; and
 - (b) water and sanitation services including rural water and sanitation services, provision of water and sanitation service in small and medium towns without formal service providers, water harvesting (specific to counties), urban water and sanitation services with formal service provision including water, sanitation and sewerage companies, excluding Water Service Boards, Water Services Regulatory Board and Water Resources Management Authority.
- 11.** Ensuring and co-ordinating the participation of communities and locations in governance at the local level and assisting communities and locations to develop the administrative capacity for the effective exercise of the functions and powers and participation in governance at the local level.
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TRANSFER OF FUNCTIONS, 2013

[L.N. 147/2013.]

Pursuant to section 15 of the Sixth Schedule to the Constitution as read with sections 23 and 24 of the Transition to Devolved Governments Act, 2012 and further to the Legal Notice No. 16 of 2013, the Transition Authority approves the transfer of the functions specified in the Schedule to the county government of Kericho, with effect from the 9th August, 2013:

Provided that the responsibility for the personnel emoluments related to the discharge of the devolved functions shall be managed by the national government for a period not exceeding six months or as shall be agreed upon between the two levels of government, whichever comes first.

Legal Notice No. 127 of 2013 is revoked.

SCHEDULE**1. Agriculture—**

- (a) crop husbandry including—
- (i) provision of agricultural extension services or farmer advisory services;
 - (ii) development and implementation of programmes in the agricultural sector to address food security in the county;
 - (iii) construction of grain storage structures;
 - (iv) enforcement of regulations and standards on quality control of inputs, produce and products from the agricultural sector;
 - (v) availing farm inputs such as certified seeds, fertilizer and other planting materials, such as cassava cutting or potato vines, to farmers;
 - (vi) development of programmes to intervene on soil and water management and conservation of the natural resource base for agriculture;
 - (vii) promotion of market access for agricultural products;
 - (viii) provision of infrastructure to promote agricultural production and marketing as well as agro-processing and value chains;
 - (ix) enhancing accessibility to affordable credit and insurance packages for farmers;
 - (x) management of agricultural training centers and agricultural mechanization stations:

Provided that the management of agricultural training centers and agricultural mechanization station shall be transferred after six months, to enable the requisite structures and mechanisms to be put in place by the Transition Authority;
 - (xi) land development services such as construction of water pans for horticultural production for food security;
 - (xii) formulation and review of county specific policies;
 - (xiii) developing and enacting legislation and regulatory frameworks for county specific policies; and
 - (xiv) implementation of national and county specific policies and legislation;
- (b) animal husbandry including livestock extension services to deliver husbandry technologies to livestock farmers and pastoralists, through farm demonstrations, farmer field days, farmer field schools, agricultural shows,

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individual farm visits, farmer training courses (residential and non-residential), barazas, farmer tours, posters, brochures or leaflets;

- (c) plant and animal disease control including carrying out, co-ordinating and overseeing—
 - (i) communal dipping and spraying operations and vaccination campaigns; and
 - (ii) control of plant pests, diseases and noxious weeds that are specific to counties; and
- (d) fisheries including—
 - (i) fisheries extension services;
 - (ii) upscaling seaweed, fin fish and crustacean culture;
 - (iii) county fish seed bulking units;
 - (iv) on-farm trials;
 - (v) fish health certification;
 - (vi) development and maintenance of fish landing stations and jetties, fish auction centers and fish landing fees;
 - (vii) demarcation of all fish breeding areas and fencing of fish landing stations;
 - (viii) fish trade licensing and fish movement permits;
 - (ix) collection of fish production statistics;
 - (x) enforcement of fisheries regulations and compliance with management measures;
 - (xi) implementation of fisheries policy, fisheries management measures and regulation and limiting access to fishing;
 - (xii) fisheries monitoring, control and surveillance; and
 - (xiii) zonation for aquaculture-county specific disease control.

2. County health services—

- (a) county health facilities and pharmacies including—
 - (i) county health facilities including county and sub-county hospitals, rural health centres, dispensaries, rural health training and demonstration centres. Rehabilitation and maintenance of county health facilities including maintenance of vehicles, medical equipment and machinery. Inspection and licensing of medical premises including reporting;
 - (ii) county health pharmacies including specifications, quantification, storage, distribution, dispensing and rational use of medical commodities;
 - (iii) Provided that, until alternative intergovernmental arrangements are made, all counties shall procure medical commodities from the Kenya Medical Supplies Authority except where a particular commodity required by a county government is not available at the Kenya Medical Supplies Authority;
- (b) ambulance services including emergency response and patient referral system;
- (c) promotion of primary health care including health education, health promotion, community health services, reproductive health, child health, tuberculosis, HIV, malaria, school health program, environmental health, maternal health care, immunization, disease surveillance, outreach services, referral, nutrition, occupational safety, food and water quality and safety, disease screening, hygiene and sanitation, disease prevention and control, ophthalmic services, clinical services, rehabilitation, mental health, laboratory services, oral health, disaster preparedness and disease outbreak services.

Planning and monitoring, health information system (data collection, collation, analysis and reporting), supportive supervision, patient and health facility records and inventories;

- (d) licensing and control of undertakings that sell food to the public including food safety and control;
- (e) veterinary services to carry out, co-ordinate and oversee veterinary services including clinical services, artificial insemination, and reproductive health management; but excluding regulation of the profession; and
- (f) enforcement of waste management policies, standards and regulations; in particular—
 - (i) refuse removal (garbage) including, provision of waste collection bins, segregation of waste at source, licensing of waste transportation;
 - (ii) refuse dumps including zoning waste operational areas, conducting environmental impact assessment for the siting of dumps, fencing of dumps, controlling fires, monitoring waste characteristics and monitoring of waste water from the dumpsite (leachate); and
 - (iii) solid waste disposal including enforcement of national waste management policies, standards and laws with respect to landfilling, incineration with energy recovery, compositing, recycling and operation of transfer stations.

3. Control of air pollution, noise pollution and other public nuisance including—

- (a) control of noise pollution and other public nuisances;
- (b) licensing for persons exceeding the permissible noise levels; and
- (c) noise mapping and action plan development,

excluding the implementation of nationally set ambient air quality standards.

4. Cultural services, public entertainment and public amenities—

- (a) county betting, casinos and other forms of gambling; racing;
- (b) cinemas;
- (c) libraries excluding Kenya National Library Services; and
- (d) museums.

5. County transport including—

- (a) county roads including primary roads linking all sub-county headquarters and minor roads linking markets and administrative centers excluding roads being managed by Kenya Urban Roads Authority, Kenya Rural Roads Authority, Kenya Wildlife Service and Kenya Forest Service;
- (b) mechanical and transport equipment shall be retained by the national government for a period of six months and the Transition Authority shall during that period develop modalities of sharing the mechanical and transport equipment; and
- (c) public road transport on licensing of public service vehicles operations.

6. Trade development and regulation—

- (a) fair trading practices including—
 - (i) verification of weighing and measuring instruments;
 - (ii) inspection of weighing and measuring instruments and pre-packed goods;
 - (iii) investigation of complaints relating to unfair trade practices; and
 - (iv) prosecution of offences arising from unfair trade practices;
- (b) co-operative societies—
 - (i) promotion of co-operative societies;

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- (ii) processing of application for registration;
- (iii) inspections and investigations;
- (iv) training needs assessment for co-operative movement;
- (v) market information dissemination and advisory services;
- (vi) banking inspections local Savings and Credit Co-operative Societies;
- (vii) risk assessment in Savings and Credit Co-operative Societies;
- (viii) investment advisory services;
- (ix) co-ordination and monitoring of co-operative indemnity by co-operative leaders;
- (x) promotion of co-operative ventures and innovations for local co-operatives;
- (xi) carrying out certification audits;
- (xii) carrying out continuous and compliance audits;
- (xiii) co-operative advisory services;
- (xiv) pre-co-operative education;
- (xv) settlement of disputes (arbitration); and
- (xvi) registration of co-operative societies audited accounts.

7. County planning and development—

- (a) statistical services including—
 - (i) custodian of official statistics in the county;
 - (ii) maintenance of a comprehensive and reliable county socio-economic database;
 - (iii) quality assurance of statistical information;
 - (iv) collection and compilation of statistical information;
 - (v) analysis of statistical information;
 - (vi) publication and dissemination of statistical information for public use; and
 - (vii) co-ordination, monitoring and supervision of the county statistical system;
- (b) boundaries and fencing including—
 - (i) determination of property boundaries;
 - (ii) solving of property boundary disputes;
 - (iii) showing of property boundaries;
 - (iv) ensuring fencing and development of properties; and
 - (v) finalization of surveying of administrative boundaries within the counties; and
- (c) identification of the renewable energy sites for development, excluding identification and implementation of the rural electrification projects, management of the Rural Electrification Fund and development of isolated diesel stations, which shall be transferred within the transition period as per the Rural Electrification Authority schedules.

8. Village polytechnics.**9. Implementation of specific national government policies on natural resources and environmental conservation—**

- (a) soil and water conservation—
 - (i) implementation of county specific water conservation and forestry policies through water resource users;

- (ii) water pollution control; and
- (iii) borehole site identification and drilling; and
- (b) forestry including farm forest extension services, forests and game reserves formerly managed by local authorities excluding forests managed by Kenya Forest Service, National Water Towers and private forests.

10. County public works and services—

- (a) public works including designing, documentation, post contracting, project management of construction and maintenance of public buildings and other infrastructural services. Construction of footbridges; and
- (b) water and sanitation services including rural water and sanitation services, provision of water and sanitation service in small and medium towns without formal service providers, water harvesting (specific to counties), urban water and sanitation services with formal service provision including water, sanitation and sewerage companies, excluding Water Service Boards, Water Services Regulatory Board and Water Resources Management Authority.

11. Ensuring and co-ordinating the participation of communities and locations in governance at the local level and assisting communities and locations to develop the administrative capacity for the effective exercise of the functions and powers and participation in governance at the local level.

TRANSFER OF FUNCTIONS, 2013

[L.N. 148/2013.]

Pursuant to section 15 of the Sixth Schedule to the Constitution as read with sections 23 and 24 of the Transition to Devolved Governments Act, 2012 and further to the Legal Notice No. 16 of 2013, the Transition Authority approves the transfer of the functions specified in the Schedule to the county government of Kiambu, with effect from the 9th August, 2013:

Provided that the responsibility for the personnel emoluments related to the discharge of the devolved functions shall be managed by the national government for a period not exceeding six months or as shall be agreed upon between the two levels of government, whichever comes first.

Legal Notice No. 128 of 2013 is revoked.

SCHEDULE
1. Agriculture—

- (a) crop husbandry including—
- (i) provision of agricultural extension services or farmer advisory services;
 - (ii) development and implementation of programmes in the agricultural sector to address food security in the county;
 - (iii) construction of grain storage structures;
 - (iv) enforcement of regulations and standards on quality control of inputs, produce and products from the agricultural sector;
 - (v) availing farm inputs such as certified seeds, fertilizer and other planting materials, such as cassava cutting or potato vines, to farmers;
 - (vi) development of programmes to intervene on soil and water management and conservation of the natural resource base for agriculture;
 - (vii) promotion of market access for agricultural products;
 - (viii) provision of infrastructure to promote agricultural production and marketing as well as agro-processing and value chains;
 - (ix) enhancing accessibility to affordable credit and insurance packages for farmers;
 - (x) management of agricultural training centers and agricultural mechanization stations:

Provided that the management of agricultural training centers and agricultural mechanization station shall be transferred after six months, to enable the requisite structures and mechanisms to be put in place by the Transition Authority;
 - (xi) land development services such as construction of water pans for horticultural production for food security;
 - (xii) formulation and review of county specific policies;
 - (xiii) developing and enacting legislation and regulatory frameworks for county specific policies; and
 - (xiv) implementation of national and county specific policies and legislation;
- (b) animal husbandry including livestock extension services to deliver husbandry technologies to livestock farmers and pastoralists, through farm demonstrations, farmer field days, farmer field schools, agricultural shows,

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individual farm visits, farmer training courses (residential and non-residential), barazas, farmer tours, posters, brochures or leaflets;

- (c) plant and animal disease control including carrying out, co-ordinating and overseeing—
 - (i) communal dipping and spraying operations and vaccination campaigns; and
 - (ii) control of plant pests, diseases and noxious weeds that are specific to counties; and
- (d) fisheries including—
 - (i) fisheries extension services;
 - (ii) upscaling seaweed, fin fish and crustacean culture;
 - (iii) county fish seed bulking units;
 - (iv) on-farm trials;
 - (v) fish health certification;
 - (vi) development and maintenance of fish landing stations and jetties, fish auction centers and fish landing fees;
 - (vii) demarcation of all fish breeding areas and fencing of fish landing stations;
 - (viii) fish trade licensing and fish movement permits;
 - (ix) collection of fish production statistics;
 - (x) enforcement of fisheries regulations and compliance with management measures;
 - (xi) implementation of fisheries policy, fisheries management measures and regulation and limiting access to fishing;
 - (xii) fisheries monitoring, control and surveillance; and
 - (xiii) zonation for aquaculture-county specific disease control.

2. County health services—

- (a) county health facilities and pharmacies including—
 - (i) county health facilities including county and sub-county hospitals, rural health centres, dispensaries, rural health training and demonstration centres. Rehabilitation and maintenance of county health facilities including maintenance of vehicles, medical equipment and machinery. Inspection and licensing of medical premises including reporting;
 - (ii) county health pharmacies including specifications, quantification, storage, distribution, dispensing and rational use of medical commodities:

Provided that, until alternative intergovernmental arrangements are made, all counties shall procure medical commodities from the Kenya Medical Supplies Authority except where a particular commodity required by a county government is not available at the Kenya Medical Supplies Authority;
- (b) ambulance services including emergency response and patient referral system;
- (c) promotion of primary health care including health education, health promotion, community health services, reproductive health, child health, tuberculosis, HIV, malaria, school health program, environmental health, maternal health care, immunization, disease surveillance, outreach services, referral, nutrition, occupational safety, food and water quality and safety, disease screening, hygiene and sanitation, disease prevention and control, ophthalmic services, clinical services, rehabilitation, mental health, laboratory

services, oral health, disaster preparedness and disease outbreak services. Planning and monitoring, health information system (data collection, collation, analysis and reporting), supportive supervision, patient and health facility records and inventories;

- (d) licensing and control of undertakings that sell food to the public including food safety and control;
- (e) veterinary services to carry out, co-ordinate and oversee veterinary services including clinical services, artificial insemination, and reproductive health management; but excluding regulation of the profession; and
- (f) enforcement of waste management policies, standards and regulations; in particular—
 - (i) refuse removal (garbage) including, provision of waste collection bins, segregation of waste at source, licensing of waste transportation;
 - (ii) refuse dumps including zoning waste operational areas, conducting environmental impact assessment for the siting of dumps, fencing of dumps, controlling fires, monitoring waste characteristics and monitoring of waste water from the dumpsite (leachate); and
 - (iii) solid waste disposal including enforcement of national waste management policies, standards and laws with respect to landfilling, incineration with energy recovery, compositing, recycling and operation of transfer stations.

3. Control of air pollution, noise pollution and other public nuisance including—

- (a) control of noise pollution and other public nuisances;
- (b) licensing for persons exceeding the permissible noise levels; and
- (c) noise mapping and action plan development,

excluding the implementation of nationally set ambient air quality standards.

4. Cultural services, public entertainment and public amenities—

- (a) county betting, casinos and other forms of gambling;
- (b) racing;
- (c) cinemas;
- (d) libraries excluding Kenya National Library Services; and
- (e) museums.

5. County transport including—

- (a) county roads including primary roads linking all sub-county headquarters and minor roads linking markets and administrative centers excluding roads being managed by Kenya Urban Roads Authority, Kenya Rural Roads Authority, Kenya Wildlife Service and Kenya Forest Service;
- (b) mechanical and transport equipment shall be retained by the national government for a period of six months and the Transition Authority shall during that period develop modalities of sharing the mechanical and transport equipment; and
- (c) public road transport on licensing of public service vehicles operations.

6. Trade development and regulation—

- (a) fair trading practices including—
 - (i) verification of weighing and measuring instruments;
 - (ii) inspection of weighing and measuring instruments and pre-packed goods;
 - (iii) investigation of complaints relating to unfair trade practices; and
 - (iv) prosecution of offences arising from unfair trade practices;

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- (b) co-operative societies—
 - (i) promotion of co-operative societies;
 - (ii) processing of application for registration;
 - (iii) inspections and investigations;
 - (iv) training needs assessment for co-operative movement;
 - (v) market information dissemination and advisory services;
 - (vi) banking inspections local Savings and Credit Co-operative Societies;
 - (vii) risk assessment in Savings and Credit Co-operative Societies;
 - (viii) investment advisory services;
 - (ix) co-ordination and monitoring of co-operative indemnity by co-operative leaders;
 - (x) promotion of co-operative ventures and innovations for local co-operatives;
 - (xi) carrying out certification audits;
 - (xii) carrying out continuous and compliance audits;
 - (xiii) co-operative advisory services;
 - (xiv) pre-co-operative education;
 - (xv) settlement of disputes (arbitration); and
 - (xvi) registration of co-operative societies audited accounts.

7. County planning and development—

- (a) statistical services including—
 - (i) custodian of official statistics in the county;
 - (ii) maintenance of a comprehensive and reliable county socio-economic database;
 - (iii) quality assurance of statistical information;
 - (iv) collection and compilation of statistical information;
 - (v) analysis of statistical information;
 - (vi) publication and dissemination of statistical information for public use; and
 - (vii) co-ordination, monitoring and supervision of the county statistical system;
- (b) boundaries and fencing including—
 - (i) determination of property boundaries;
 - (ii) solving of property boundary disputes;
 - (iii) showing of property boundaries;
 - (iv) ensuring fencing and development of properties; and
 - (v) finalization of surveying of administrative boundaries within the counties; and
- (c) Identification of the renewable energy sites for development, excluding identification and implementation of the rural electrification projects, management of the Rural Electrification Fund and development of isolated diesel stations, which shall be transferred within the transition period as per the Rural Electrification Authority schedules.

8. Village polytechnics.

9. Implementation of specific national government policies on natural resources and environmental conservation—

- (a) soil and water conservation—
 - (i) implementation of county specific water conservation and forestry policies through water resource users;
 - (ii) water pollution control; and
 - (iii) borehole site identification and drilling; and
- (b) forestry including farm forest extension services, forests and game reserves formerly managed by local authorities excluding forests managed by Kenya Forest Service, National Water Towers and private forests.

10. County public works and services—

- (d) public works including designing, documentation, post contracting, project management of construction and maintenance of public buildings and other infrastructural services. Construction of footbridges; and
- (d) water and sanitation services including rural water and sanitation services, provision of water and sanitation service in small and medium towns without formal service providers, water harvesting (specific to counties), urban water and sanitation services with formal service provision including water, sanitation and sewerage companies, excluding Water Service Boards, Water Services Regulatory Board and Water Resources Management Authority.

11. Ensuring and co-ordinating the participation of communities and locations in governance at the local level and assisting communities and locations to develop the administrative capacity for the effective exercise of the functions and powers and participation in governance at the local level.

TRANSFER OF FUNCTIONS, 2013

[L.N. 149/2013.]

Pursuant to section 15 of the Sixth Schedule to the Constitution as read with sections 23 and 24 of the Transition to Devolved Governments Act, 2012 and further to the Legal Notice No. 16 of 2013, the Transition Authority approves the transfer of the functions specified in the Schedule to the county government of Kilifi, with effect from the 9th August, 2013:

Provided that the responsibility for the personnel emoluments related to the discharge of the devolved functions shall be managed by the national government for a period not exceeding six months or as shall be agreed upon between the two levels of government, whichever comes first.

SCHEDULE**1. Agriculture—**

- (a) crop husbandry including—
- (i) provision of agricultural extension services or farmer advisory services;
 - (ii) development and implementation of programmes in the agricultural sector to address food security in the county;
 - (iii) construction of grain storage structures;
 - (iv) enforcement of regulations and standards on quality control of inputs, produce and products from the agricultural sector;
 - (v) availing farm inputs such as certified seeds, fertilizer and other planting materials, such as cassava cutting or potato vines, to farmers;
 - (vi) development of programmes to intervene on soil and water management and conservation of the natural resource base for agriculture;
 - (vii) promotion of market access for agricultural products;
 - (viii) provision of infrastructure to promote agricultural production and marketing as well as agro-processing and value chains;
 - (ix) enhancing accessibility to affordable credit and insurance packages for farmers;
 - (x) management of agricultural training centers and agricultural mechanization stations:

Provided that the management of agricultural training centers and agricultural mechanization station shall be transferred after six months, to enable the requisite structures and mechanisms to be put in place by the Transition Authority;
 - (xi) land development services such as construction of water pans for horticultural production for food security;
 - (xii) formulation and review of county specific policies;
 - (xiii) developing and enacting legislation and regulatory frameworks for county specific policies; and
 - (xiv) implementation of national and county specific policies and legislation;
- (b) animal husbandry including livestock extension services to deliver husbandry technologies to livestock farmers and pastoralists, through farm demonstrations, farmer field days, farmer field schools, agricultural shows, individual farm visits, farmer training courses (residential and non-residential), barazas, farmer tours, posters, brochures or leaflets;

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- (c) plant and animal disease control including carrying out, co-ordinating and overseeing—
 - (i) communal dipping and spraying operations and vaccination campaigns; and
 - (ii) control of plant pests, diseases and noxious weeds that are specific to counties; and
- (d) fisheries including—
 - (i) fisheries extension services;
 - (ii) upscaling seaweed, fin fish and crustacean culture;
 - (iii) county fish seed bulking units;
 - (iv) on-farm trials;
 - (v) fish health certification;
 - (vi) development and maintenance of fish landing stations and jetties, fish auction centers and fish landing fees;
 - (vii) demarcation of all fish breeding areas and fencing of fish landing stations;
 - (viii) fish trade licensing and fish movement permits;
 - (ix) collection of fish production statistics;
 - (x) enforcement of fisheries regulations and compliance with management measures;
 - (xi) implementation of fisheries policy, fisheries management measures and regulation and limiting access to fishing;
 - (xii) fisheries monitoring, control and surveillance; and
 - (xiii) zonation for aquaculture-county specific disease control.

2. County health services—

- (a) county health facilities and pharmacies including—
 - (i) county health facilities including county and sub-county hospitals, rural health centres, dispensaries, rural health training and demonstration centres. Rehabilitation and maintenance of county health facilities including maintenance of vehicles, medical equipment and machinery. Inspection and licensing of medical premises including reporting;
 - (ii) county health pharmacies including specifications, quantification, storage, distribution, dispensing and rational use of medical commodities:

Provided that until alternative intergovernmental arrangements are made, all counties shall procure medical commodities from the Kenya Medical Supplies Authority except where a particular commodity required by a county government is not available at the Kenya Medical Supplies Authority;
- (b) ambulance services including emergency response and patient referral system;
- (c) promotion of primary health care including health education, health promotion, community health services, reproductive health, child health, tuberculosis, HIV, malaria, school health program, environmental health, maternal health care, immunization, disease surveillance, outreach services, referral, nutrition, occupational safety, food and water quality and safety, disease screening, hygiene and sanitation, disease prevention and control, ophthalmic services, clinical services, rehabilitation, mental health, laboratory services, oral health, disaster preparedness and disease outbreak services.

Planning and monitoring, health information system (data collection, collation, analysis and reporting), supportive supervision, patient and health facility records and inventories;

- (d) licensing and control of undertakings that sell food to the public including food safety and control;
- (e) veterinary services to carry out, co-ordinate and oversee veterinary services including clinical services, artificial insemination, and reproductive health management; but excluding regulation of the profession; and
- (f) enforcement of waste management policies, standards and regulations; in particular—
 - (i) refuse removal (garbage) including, provision of waste collection bins, segregation of waste at source, licensing of waste transportation;
 - (ii) refuse dumps including zoning waste operational areas, conducting environmental impact assessment for the siting of dumps, fencing of dumps, controlling fires, monitoring waste characteristics and monitoring of waste water from the dumpsite (leachate); and
 - (iii) solid waste disposal including enforcement of national waste management policies, standards and laws with respect to landfilling, incineration with energy recovery, compositing, recycling and operation of transfer stations.

3. Control of air pollution, noise pollution and other public nuisance including—

- (a) control of noise pollution and other public nuisances;
- (b) licensing for persons exceeding the permissible noise levels; and
- (c) noise mapping and action plan development,

excluding the implementation of nationally set ambient air quality standards.

4. Cultural services, public entertainment and public amenities—

- (a) county betting, casinos and other forms of gambling;
- (b) racing;
- (c) cinemas;
- (d) libraries excluding Kenya National Library Services; and
- (e) museums.

5. County transport including—

- (a) county roads including primary roads linking all sub-county headquarters and minor roads linking markets and administrative centers excluding roads being managed by Kenya Urban Roads Authority, Kenya Rural Roads Authority, Kenya Wildlife Service and Kenya Forest Service;
- (b) mechanical and transport equipment shall be retained by the national government for a period of six months and the Transition Authority shall during that period develop modalities of sharing the mechanical and transport equipment; and
- (c) public road transport on licensing of public service vehicles operations.

6. Trade development and regulation—

- (a) fair trading practices including—
 - (i) verification of weighing and measuring instruments;
 - (ii) inspection of weighing and measuring instruments and pre-packed goods;
 - (iii) investigation of complaints relating to unfair trade practices; and
 - (iv) prosecution of offences arising from unfair trade practices;

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- (b) co-operative societies—
 - (i) promotion of co-operative societies;
 - (ii) processing of application for registration;
 - (iii) inspections and investigations;
 - (iv) training needs assessment for co-operative movement;
 - (v) market information dissemination and advisory services;
 - (vi) banking inspections local Savings and Credit Co-operative Societies;
 - (vii) risk assessment in Savings and Credit Co-operative Societies;
 - (viii) investment advisory services;
 - (ix) co-ordination and monitoring of co-operative indemnity by co-operative leaders;
 - (x) promotion of co-operative ventures and innovations for local co-operatives;
 - (xi) carrying out certification audits;
 - (xii) carrying out continuous and compliance audits;
 - (xiii) co-operative advisory services;
 - (xiv) pre-co-operative education;
 - (xv) settlement of disputes (arbitration); and
 - (xvi) registration of co-operative societies audited accounts.

7. County planning and development—

- (a) statistical services including—
 - (i) custodian of official statistics in the county;
 - (ii) maintenance of a comprehensive and reliable county socio-economic database;
 - (iii) quality assurance of statistical information;
 - (iv) collection and compilation of statistical information;
 - (v) analysis of statistical information;
 - (vi) publication and dissemination of statistical information for public use; and
 - (vii) co-ordination, monitoring and supervision of the county statistical system;
- (b) boundaries and fencing including—
 - (i) determination of property boundaries;
 - (ii) solving of property boundary disputes;
 - (iii) showing of property boundaries;
 - (iv) ensuring fencing and development of properties; and
 - (v) finalization of surveying of administrative boundaries within the counties; and
- (c) identification of the renewable energy sites for development, excluding identification and implementation of the rural electrification projects, management of the Rural Electrification Fund and development of isolated diesel stations, which shall be transferred within the transition period as per the Rural Electrification Authority schedules.

8. Village polytechnics.

9. Implementation of specific national government policies on natural resources and environmental conservation—

- (a) soil and water conservation—
 - (i) implementation of county specific water conservation and forestry policies through water resource users;
 - (ii) water pollution control; and
 - (iii) borehole site identification and drilling; and
- (b) forestry including farm forest extension services, forests and game reserves formerly managed by local authorities excluding forests managed by Kenya Forest Service, National Water Towers and private forests.

10. County public works and services—

- (a) public works including designing, documentation, post contracting, project management of construction and maintenance of public buildings and other infrastructural services. Construction of footbridges; and
- (b) water and sanitation services including rural water and sanitation services, provision of water and sanitation service in small and medium towns without formal service providers, water harvesting (specific to counties), urban water and sanitation services with formal service provision including water, sanitation and sewerage companies, excluding Water Service Boards, Water Services Regulatory Board and Water Resources Management Authority.

11. Ensuring and co-ordinating the participation of communities and locations in governance at the local level and assisting communities and locations to develop the administrative capacity for the effective exercise of the functions and powers and participation in governance at the local level.

TRANSFER OF FUNCTIONS, 2013

[L.N. 150/2013.]

Pursuant to section 15 of the Sixth Schedule to the Constitution as read with sections 23 and 24 of the Transition to Devolved Governments Act, 2012 and further to the Legal Notice No. 16 of 2013, the Transition Authority approves the transfer of the functions specified in the Schedule to the county government of Kirinyaga, with effect from the 9th August, 2013:

Provided that the responsibility for the personnel emoluments related to the discharge of the devolved functions shall be managed by the national government for a period not exceeding six months or as shall be agreed upon between the two levels of government, whichever comes first.

Legal Notice No. 129 of 2013 is revoked.

SCHEDULE**1. Agriculture—**

- (a) crop husbandry including—
- (i) provision of agricultural extension services or farmer advisory services;
 - (ii) development and implementation of programmes in the agricultural sector to address food security in the county;
 - (iii) construction of grain storage structures;
 - (iv) enforcement of regulations and standards on quality control of inputs, produce and products from the agricultural sector;
 - (v) availing farm inputs such as certified seeds, fertilizer and other planting materials, such as cassava cutting or potato vines, to farmers;
 - (vi) development of programmes to intervene on soil and water management and conservation of the natural resource base for agriculture;
 - (vii) promotion of market access for agricultural products;
 - (viii) provision of infrastructure to promote agricultural production and marketing as well as agro-processing and value chains;
 - (ix) enhancing accessibility to affordable credit and insurance packages for farmers;
 - (x) management of agricultural training centers and agricultural mechanization stations:

Provided that the management of agricultural training centers and agricultural mechanization station shall be transferred after six months, to enable the requisite structures and mechanisms to be put in place by the Transition Authority;
 - (xi) land development services such as construction of water pans for horticultural production for food security;
 - (xii) formulation and review of county specific policies;
 - (xiii) developing and enacting legislation and regulatory frameworks for county specific policies; and
 - (xiv) implementation of national and county specific policies and legislation;
- (b) animal husbandry including livestock extension services to deliver husbandry technologies to livestock farmers and pastoralists, through farm demonstrations, farmer field days, farmer field schools, agricultural shows,

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individual farm visits, farmer training courses (residential and non-residential), barazas, farmer tours, posters, brochures or leaflets;

- (c) plant and animal disease control including carrying out, co-ordinating and overseeing—
 - (i) communal dipping and spraying operations and vaccination campaigns; and
 - (ii) control of plant pests, diseases and noxious weeds that are specific to counties; and
- (d) fisheries including—
 - (i) fisheries extension services;
 - (ii) upscaling seaweed, fin fish and crustacean culture;
 - (iii) county fish seed bulking units;
 - (iv) on-farm trials;
 - (v) fish health certification;
 - (vi) development and maintenance of fish landing stations and jetties, fish auction centers and fish landing fees;
 - (vii) demarcation of all fish breeding areas and fencing of fish landing stations;
 - (viii) fish trade licensing and fish movement permits;
 - (ix) collection of fish production statistics;
 - (x) enforcement of fisheries regulations and compliance with management measures;
 - (xi) implementation of fisheries policy, fisheries management measures and regulation and limiting access to fishing;
 - (xii) fisheries monitoring, control and surveillance; and
 - (xiii) zonation for aquaculture-county specific disease control.

2. County health services—

- (a) county health facilities and pharmacies including—
 - (i) county health facilities including county and sub-county hospitals, rural health centres, dispensaries, rural health training and demonstration centres. Rehabilitation and maintenance of county health facilities including maintenance of vehicles, medical equipment and machinery. Inspection and licensing of medical premises including reporting;
 - (ii) county health pharmacies including specifications, quantification, storage, distribution, dispensing and rational use of medical commodities:

Provided that, until alternative intergovernmental arrangements are made, all counties shall procure medical commodities from the Kenya Medical Supplies Authority except where a particular commodity required by a county government is not available at the Kenya Medical Supplies Authority;
- (b) ambulance services including emergency response and patient referral system;
- (c) promotion of primary health care including health education, health promotion, community health services, reproductive health, child health, tuberculosis, HIV, malaria, school health program, environmental health, maternal health care, immunization, disease surveillance, outreach services, referral, nutrition, occupational safety, food and water quality and safety, disease screening, hygiene and sanitation, disease prevention and control, ophthalmic services, clinical services, rehabilitation, mental health, laboratory

services, oral health, disaster preparedness and disease outbreak services. Planning and monitoring, health information system (data collection, collation, analysis and reporting), supportive supervision, patient and health facility records and inventories;

- (d) licensing and control of undertakings that sell food to the public including food safety and control;
- (e) veterinary services to carry out, co-ordinate and oversee veterinary services including clinical services, artificial insemination, and reproductive health management; but excluding regulation of the profession; and
- (f) enforcement of waste management policies, standards and regulations; in particular—
 - (i) refuse removal (garbage) including, provision of waste collection bins, segregation of waste at source, licensing of waste transportation;
 - (ii) refuse dumps including zoning waste operational areas, conducting environmental impact assessment for the siting of dumps, fencing of dumps, controlling fires, monitoring waste characteristics and monitoring of waste water from the dumpsite (leachate); and
 - (ii) solid waste disposal including enforcement of national waste management policies, standards and laws with respect to landfilling, incineration with energy recovery, compositing, recycling and operation of transfer stations.

3. Control of air pollution, noise pollution and other public nuisance including—

- (a) control of noise pollution and other public nuisances;
- (b) licensing for persons exceeding the permissible noise levels; and
- (c) noise mapping and action plan development,

excluding the implementation of nationally set ambient air quality standards.

4. Cultural services, public entertainment and public amenities—

- (a) county betting, casinos and other forms of gambling;
- (b) racing;
- (c) cinemas;
- (d) libraries excluding Kenya National Library Services; and
- (e) museums.

5. County transport including—

- (a) county roads including primary roads linking all sub-county headquarters and minor roads linking markets and administrative centers excluding roads being managed by Kenya Urban Roads Authority, Kenya Rural Roads Authority, Kenya Wildlife Service and Kenya Forest Service;
- (b) mechanical and transport equipment shall be retained by the national government for a period of six months and the Transition Authority shall during that period develop modalities of sharing the mechanical and transport equipment; and
- (c) public road transport on licensing of public service vehicles operations.

6. Trade development and regulation—

- (a) fair trading practices including—
 - (i) verification of weighing and measuring instruments;
 - (ii) inspection of weighing and measuring instruments and pre-packed goods;
 - (iii) investigation of complaints relating to unfair trade practices; and
 - (iv) prosecution of offences arising from unfair trade practices;

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- (b) co-operative societies—
 - (i) promotion of co-operative societies;
 - (ii) processing of application for registration;
 - (iii) inspections and investigations;
 - (iv) training needs assessment for co-operative movement;
 - (v) market information dissemination and advisory services;
 - (vi) banking inspections local Savings and Credit Co-operative Societies;
 - (vii) risk assessment in Savings and Credit Co-operative Societies;
 - (viii) investment advisory services;
 - (ix) co-ordination and monitoring of co-operative indemnity by co-operative leaders;
 - (x) promotion of co-operative ventures and innovations for local co-operatives;
 - (xi) carrying out certification audits;
 - (xii) carrying out continuous and compliance audits;
 - (xiii) co-operative advisory services;
 - (xiv) pre-co-operative education;
 - (xv) settlement of disputes (arbitration); and
 - (xvi) registration of co-operative societies audited accounts.

7. County planning and development—

- (a) statistical services including—
 - (i) custodian of official statistics in the county;
 - (ii) maintenance of a comprehensive and reliable county socio-economic database;
 - (iii) quality assurance of statistical information;
 - (iv) collection and compilation of statistical information;
 - (v) analysis of statistical information;
 - (vi) publication and dissemination of statistical information for public use; and
 - (vii) co-ordination, monitoring and supervision of the county statistical system;
- (b) boundaries and fencing including—
 - (i) determination of property boundaries;
 - (ii) solving of property boundary disputes;
 - (iii) showing of property boundaries;
 - (iv) ensuring fencing and development of properties; and
 - (v) finalization of surveying of administrative boundaries within the counties; and
- (c) identification of the renewable energy sites for development, excluding identification and implementation of the rural electrification projects, management of the Rural Electrification Fund and development of isolated diesel stations, which shall be transferred within the transition period as per the Rural Electrification Authority schedules.

8. Village polytechnics.

9. Implementation of specific national government policies on natural resources and environmental conservation—

- (a) soil and water conservation—
 - (i) implementation of county specific water conservation and forestry policies through water resource users;
 - (ii) water pollution control; and
 - (iii) borehole site identification and drilling; and
- (b) forestry including farm forest extension services, forests and game reserves formerly managed by local authorities excluding forests managed by Kenya Forest Service, National Water Towers and private forests.

10. County public works and services—

- (a) public works including designing, documentation, post contracting, project management of construction and maintenance of public buildings and other infrastructural services. Construction of footbridges; and
- (b) water and sanitation services including rural water and sanitation services, provision of water and sanitation service in small and medium towns without formal service providers, water harvesting (specific to counties), urban water and sanitation services with formal service provision including water, sanitation and sewerage companies, excluding Water Service Boards, Water Services Regulatory Board and Water Resources Management Authority.

11. Ensuring and co-ordinating the participation of communities and locations in governance at the local level and assisting communities and locations to develop the administrative capacity for the effective exercise of the functions and powers and participation in governance at the local level.

TRANSFER OF FUNCTIONS, 2013

[L.N. 151/2013.]

Pursuant to section 15 of the Sixth Schedule to the Constitution as read with sections 23 and 24 of the Transition to Devolved Governments Act, 2012 and further to the Legal Notice No. 16 of 2013, the Transition Authority approves the transfer of the functions specified in the Schedule to the county government of Kisii, with effect from the 9th August, 2013:

Provided that the responsibility for the personnel emoluments related to the discharge of the devolved functions shall be managed by the national government for a period not exceeding six months or as shall be agreed upon between the two levels of government, whichever comes first.

SCHEDULE**1. Agriculture—**

- (a) crop husbandry including—
- (i) provision of agricultural extension services or farmer advisory services;
 - (ii) development and implementation of programmes in the agricultural sector to address food security in the county;
 - (iii) construction of grain storage structures;
 - (iv) enforcement of regulations and standards on quality control of inputs, produce and products from the agricultural sector;
 - (v) availing farm inputs such as certified seeds, fertilizer and other planting materials, such as cassava cutting or potato vines, to farmers;
 - (vi) development of programmes to intervene on soil and water management and conservation of the natural resource base for agriculture;
 - (vii) promotion of market access for agricultural products;
 - (viii) provision of infrastructure to promote agricultural production and marketing as well as agro-processing and value chains;
 - (ix) enhancing accessibility to affordable credit and insurance packages for farmers;
 - (x) management of agricultural training centers and agricultural mechanization stations:

Provided that the management of agricultural training centers and agricultural mechanization station shall be transferred after six months, to enable the requisite structures and mechanisms to be put in place by the Transition Authority;
 - (xi) land development services such as construction of water pans for horticultural production for food security;
 - (xii) formulation and review of county specific policies;
 - (xiii) developing and enacting legislation and regulatory frameworks for county specific policies; and
 - (xiv) implementation of national and county specific policies and legislation;
- (b) animal husbandry including livestock extension services to deliver husbandry technologies to livestock farmers and pastoralists, through farm demonstrations, farmer field days, farmer field schools, agricultural shows, individual farm visits, farmer training courses (residential and non-residential), barazas, farmer tours, posters, brochures or leaflets;

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- (c) plant and animal disease control including carrying out, co-ordinating and overseeing—
 - (i) communal dipping and spraying operations and vaccination campaigns; and
 - (ii) control of plant pests, diseases and noxious weeds that are specific to counties; and
- (d) fisheries including—
 - (i) fisheries extension services;
 - (ii) upscaling seaweed, fin fish and crustacean culture;
 - (iii) county fish seed bulking units;
 - (iv) on-farm trials;
 - (v) fish health certification;
 - (vi) development and maintenance of fish landing stations and jetties, fish auction centers and fish landing fees;
 - (vii) demarcation of all fish breeding areas and fencing of fish landing stations;
 - (viii) fish trade licensing and fish movement permits;
 - (ix) collection of fish production statistics;
 - (x) enforcement of fisheries regulations and compliance with management measures;
 - (xi) implementation of fisheries policy, fisheries management measures and regulation and limiting access to fishing;
 - (xii) fisheries monitoring, control and surveillance; and
 - (xiii) zonation for aquaculture-county specific disease control.

2. County health services—

- (a) county health facilities and pharmacies including—
 - (i) county health facilities including county and sub-county hospitals, rural health centres, dispensaries, rural health training and demonstration centres. Rehabilitation and maintenance of county health facilities including maintenance of vehicles, medical equipment and machinery. Inspection and licensing of medical premises including reporting;
 - (ii) county health pharmacies including specifications, quantification, storage, distribution, dispensing and rational use of medical commodities:

Provided that until alternative intergovernmental arrangements are made, all counties shall procure medical commodities from the Kenya Medical Supplies Authority except where a particular commodity required by a county government is not available at the Kenya Medical Supplies Authority;
- (b) ambulance services including emergency response and patient referral system;
- (c) promotion of primary health care including health education, health promotion, community health services, reproductive health, child health, tuberculosis, HIV, malaria, school health program, environmental health, maternal health care, immunization, disease surveillance, outreach services, referral, nutrition, occupational safety, food and water quality and safety, disease screening, hygiene and sanitation, disease prevention and control, ophthalmic services, clinical services, rehabilitation, mental health, laboratory services, oral health, disaster preparedness and disease outbreak services.

Planning and monitoring, health information system (data collection, collation, analysis and reporting), supportive supervision, patient and health facility records and inventories;

- (d) licensing and control of undertakings that sell food to the public including food safety and control;
- (e) veterinary services to carry out, co-ordinate and oversee veterinary services including clinical services, artificial insemination, and reproductive health management; but excluding regulation of the profession; and
- (f) enforcement of waste management policies, standards and regulations; in particular—
 - (i) refuse removal (garbage) including, provision of waste collection bins, segregation of waste at source, licensing of waste transportation;
 - (ii) refuse dumps including zoning waste operational areas, conducting environmental impact assessment for the siting of dumps, fencing of dumps, controlling fires, monitoring waste characteristics and monitoring of waste water from the dumpsite (leachate); and
 - (iii) solid waste disposal including enforcement of national waste management policies, standards and laws with respect to landfilling, incineration with energy recovery, compositing, recycling and operation of transfer stations.

3. Control of air pollution, noise pollution and other public nuisance including—

- (a) control of noise pollution and other public nuisances;
- (b) licensing for persons exceeding the permissible noise levels; and
- (c) noise mapping and action plan development,

excluding the implementation of nationally set ambient air quality standards.

4. Cultural services, public entertainment and public amenities—

- (a) county betting, casinos and other forms of gambling;
- (b) racing;
- (c) cinemas;
- (d) libraries excluding Kenya National Library Services; and
- (e) museums.

5. County transport including—

- (a) county roads including primary roads linking all sub-county headquarters and minor roads linking markets and administrative centers excluding roads being managed by Kenya Urban Roads Authority, Kenya Rural Roads Authority, Kenya Wildlife Service and Kenya Forest Service;
- (b) mechanical and transport equipment shall be retained by the national government for a period of six months and the Transition Authority shall during that period develop modalities of sharing the mechanical and transport equipment; and
- (c) public road transport on licensing of public service vehicles operations.

6. Trade development and regulation—

- (a) fair trading practices including—
 - (i) verification of weighing and measuring instruments;
 - (ii) inspection of weighing and measuring instruments and pre-packed goods;
 - (iii) investigation of complaints relating to unfair trade practices; and
 - (iv) prosecution of offences arising from unfair trade practices;

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- (b) co-operative societies—
 - (i) promotion of co-operative societies;
 - (ii) processing of application for registration;
 - (iii) inspections and investigations;
 - (iv) training needs assessment for co-operative movement;
 - (v) market information dissemination and advisory services;
 - (vi) banking inspections local Savings and Credit Co-operative Societies;
 - (vii) risk assessment in Savings and Credit Co-operative Societies;
 - (viii) investment advisory services;
 - (ix) co-ordination and monitoring of co-operative indemnity by co-operative leaders;
 - (x) promotion of co-operative ventures and innovations for local co-operatives;
 - (xi) carrying out certification audits;
 - (xii) carrying out continuous and compliance audits;
 - (xiii) co-operative advisory services;
 - (xiv) pre-co-operative education;
 - (xv) settlement of disputes (arbitration); and
 - (xvi) registration of co-operative societies audited accounts.

7. County planning and development—

- (a) statistical services including—
 - (i) custodian of official statistics in the county;
 - (ii) maintenance of a comprehensive and reliable county socio-economic database;
 - (iii) quality assurance of statistical information;
 - (iv) collection and compilation of statistical information;
 - (v) analysis of statistical information;
 - (vi) publication and dissemination of statistical information for public use; and
 - (vii) co-ordination, monitoring and supervision of the county statistical system;
- (b) boundaries and fencing including—
 - (i) determination of property boundaries;
 - (ii) solving of property boundary disputes;
 - (iii) showing of property boundaries;
 - (iv) ensuring fencing and development of properties; and
 - (v) finalization of surveying of administrative boundaries within the counties; and
- (c) identification of the renewable energy sites for development, excluding identification and implementation of the rural electrification projects, management of the Rural Electrification Fund and development of isolated diesel stations, which shall be transferred within the transition period as per the Rural Electrification Authority schedules.

8. Village polytechnics.

9. Implementation of specific national government policies on natural resources and environmental conservation—

- (a) soil and water conservation—
 - (i) implementation of county specific water conservation and forestry policies through water resource users;
 - (ii) water pollution control; and
 - (iii) borehole site identification and drilling; and
- (b) forestry including farm forest extension services, forests and game reserves formerly managed by local authorities excluding forests managed by Kenya Forest Service, National Water Towers and private forests.

10. County public works and services—

- (a) public works including designing, documentation, post contracting, project management of construction and maintenance of public buildings and other infrastructural services. Construction of footbridges; and
- (b) water and sanitation services including rural water and sanitation services, provision of water and sanitation service in small and medium towns without formal service providers, water harvesting (specific to counties), urban water and sanitation services with formal service provision including water, sanitation and sewerage companies, excluding Water Service Boards, Water Services Regulatory Board and Water Resources Management Authority.

11. Ensuring and co-ordinating the participation of communities and locations in governance at the local level and assisting communities and locations to develop the administrative capacity for the effective exercise of the functions and powers and participation in governance at the local level.

TRANSFER OF FUNCTIONS, 2013

[L.N. 152/2013.]

Pursuant to section 15 of the Sixth Schedule to the Constitution as read with sections 23 and 24 of the Transition to Devolved Governments Act, 2012 and further to the Legal Notice No. 16 of 2013, the Transition Authority approves the transfer of the functions specified in the Schedule to the county government of Mombasa, with effect from the 9th August, 2013:

Provided that the responsibility for the personnel emoluments related to the discharge of the devolved functions shall be managed by the national government for a period not exceeding six months or as shall be agreed upon between the two levels of government, whichever comes first.

Legal Notice No. 134 of 2013 is revoked.

SCHEDULE
1. Agriculture—

- (a) crop husbandry including—
- (i) provision of agricultural extension services or farmer advisory services;
 - (ii) development and implementation of programmes in the agricultural sector to address food security in the county;
 - (iii) construction of grain storage structures;
 - (iv) enforcement of regulations and standards on quality control of inputs, produce and products from the agricultural sector;
 - (v) availing farm inputs such as certified seeds, fertilizer and other planting materials, such as cassava cutting or potato vines, to farmers;
 - (vi) development of programmes to intervene on soil and water management and conservation of the natural resource base for agriculture;
 - (vii) promotion of market access for agricultural products;
 - (viii) provision of infrastructure to promote agricultural production and marketing as well as agro-processing and value chains;
 - (ix) enhancing accessibility to affordable credit and insurance packages for farmers;
 - (x) management of agricultural training centers and agricultural mechanization stations:

 Provided that the management of agricultural training centers and agricultural mechanization station shall be transferred after six months, to enable the requisite structures and mechanisms to be put in place by the Transition Authority;
 - (xi) land development services such as construction of water pans for horticultural production for food security;
 - (xii) formulation and review of county specific policies;
 - (xiii) developing and enacting legislation and regulatory frameworks for county specific policies; and
 - (xiv) implementation of national and county specific policies and legislation;
- (b) animal husbandry including livestock extension services to deliver husbandry technologies to livestock farmers and pastoralists, through farm demonstrations, farmer field days, farmer field schools, agricultural shows,

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individual farm visits, farmer training courses (residential and non-residential), barazas, farmer tours, posters, brochures or leaflets;

- (c) plant and animal disease control including carrying out, co-ordinating and overseeing—
 - (i) communal dipping and spraying operations and vaccination campaigns; and
 - (ii) control of plant pests, diseases and noxious weeds that are specific to counties; and
- (d) fisheries including—
 - (i) fisheries extension services;
 - (ii) upscaling seaweed, fin fish and crustacean culture;
 - (iii) county fish seed bulking units;
 - (iv) on-farm trials;
 - (v) fish health certification;
 - (vi) development and maintenance of fish landing stations and jetties, fish auction centers and fish landing fees;
 - (vii) demarcation of all fish breeding areas and fencing of fish landing stations;
 - (viii) fish trade licensing and fish movement permits;
 - (ix) collection of fish production statistics;
 - (x) enforcement of fisheries regulations and compliance with management measures;
 - (xi) implementation of fisheries policy, fisheries management measures and regulation and limiting access to fishing;
 - (xii) fisheries monitoring, control and surveillance; and
 - (xiii) zonation for aquaculture-county specific disease control.

2. County health services—

- (a) county health facilities and pharmacies including—
 - (i) county health facilities including Coast Provincial General Hospital, county health services including county and sub-county hospitals, rural health centres, dispensaries, rural health training and demonstration centres. Rehabilitation and maintenance of county health facilities including maintenance of vehicles, medical equipment and machinery. Inspection and licensing of medical premises including reporting;
 - (ii) county health pharmacies including specifications, quantification, storage, distribution, dispensing and rational use of medical commodities:

Provided that until alternative intergovernmental arrangements are made, all counties shall procure medical commodities from the Kenya Medical Supplies Authority except where a particular commodity required by a county government is not available at the Kenya Medical Supplies Authority;
- (b) ambulance services including emergency response and patient referral system;
- (c) promotion of primary health care including health education, health promotion, community health services, reproductive health, child health, tuberculosis, HIV, malaria, school health program, environmental health, maternal health care, immunization, disease surveillance, outreach services, referral, nutrition, occupational safety, food and water quality and safety, disease screening, hygiene and sanitation, disease prevention and control,

ophthalmic services, clinical services, rehabilitation, mental health, laboratory services, oral health, disaster preparedness and disease outbreak services. Planning and monitoring, health information system (data collection, collation, analysis and reporting), supportive supervision, patient and health facility records and inventories;

- (d) licensing and control of undertakings that sell food to the public including food safety and control;
- (e) veterinary services to carry out, co-ordinate and oversee veterinary services including clinical services, artificial insemination, and reproductive health management; but excluding regulation of the profession; and
- (f) enforcement of waste management policies, standards and regulations; in particular—
 - (i) refuse removal (garbage) including, provision of waste collection bins, segregation of waste at source, licensing of waste transportation;
 - (ii) refuse dumps including zoning waste operational areas, conducting environmental impact assessment for the siting of dumps, fencing of dumps, controlling fires, monitoring waste characteristics and monitoring of waste water from the dumpsite (leachate); and
 - (iii) solid waste disposal including enforcement of national waste management policies, standards and laws with respect to landfilling, incineration with energy recovery, compositing, recycling and operation of transfer stations.

3. Control of air pollution, noise pollution and other public nuisance including—

- (a) control of noise pollution and other public nuisances;
- (b) licensing for persons exceeding the permissible noise levels; and
- (c) noise mapping and action plan development,

excluding the implementation of nationally set ambient air quality standards.

4. Cultural services, public entertainment and public amenities—

- (a) county betting, casinos and other forms of gambling;
- (b) racing;
- (c) cinemas;
- (d) libraries excluding Kenya National Library Services; and
- (e) museums.

5. County transport including—

- (a) county roads including primary roads linking all sub-county headquarters and minor roads linking markets and administrative centers excluding roads being managed by Kenya Urban Roads Authority, Kenya Rural Roads Authority, Kenya Wildlife Service and Kenya Forest Service;
- (b) mechanical and transport equipment shall be retained by the national government for a period of six months and the Transition Authority shall during that period develop modalities of sharing the mechanical and transport equipment;
- (c) public road transport on licensing of public service vehicles operations; and
- (d) ferries and harbors including development, maintenance and operations of ferries and harbors operating in inland lakes and waters.

6. Trade development and regulation—

- (a) fair trading practices including—
 - (i) verification of weighing and measuring instruments;

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- (ii) inspection of weighing and measuring instruments and pre-packed goods;
- (iii) investigation of complaints relating to unfair trade practices; and
- (iv) prosecution of offences arising from unfair trade practices;
- (b) co-operative societies—
 - (i) promotion of co-operative societies;
 - (ii) processing of application for registration;
 - (iii) inspections and investigations;
 - (iv) training needs assessment for co-operative movement;
 - (v) market information dissemination and advisory services;
 - (vi) banking inspections local Savings and Credit Co-operative Societies;
 - (vii) risk assessment in Savings and Credit Co-operative Societies;
 - (viii) investment advisory services;
 - (ix) co-ordination and monitoring of co-operative indemnity by co-operative leaders;
 - (x) promotion of co-operative ventures and innovations for local co-operatives;
 - (xi) carrying out certification audits;
 - (xii) carrying out continuous and compliance audits;
 - (xiii) co-operative advisory services;
 - (xiv) pre-co-operative education;
 - (xv) settlement of disputes (arbitration); and
 - (xvi) registration of co-operative societies audited accounts.

7. County planning and development—

- (a) statistical services including—
 - (i) custodian of official statistics in the county;
 - (ii) maintenance of a comprehensive and reliable county socio-economic database;
 - (iii) quality assurance of statistical information;
 - (iv) collection and compilation of statistical information;
 - (v) analysis of statistical information;
 - (vi) publication and dissemination of statistical information for public use; and
 - (vii) co-ordination, monitoring and supervision of the county statistical system;
- (b) boundaries and fencing including—
 - (i) determination of property boundaries;
 - (ii) solving of property boundary disputes;
 - (iii) showing of property boundaries;
 - (iv) ensuring fencing and development of properties; and
 - (v) finalization of surveying of administrative boundaries within the counties; and
- (c) identification of the renewable energy sites for development, excluding identification and implementation of the rural electrification projects, management of the Rural Electrification Fund and development of isolated diesel stations, which shall be transferred within the transition period as per the Rural Electrification Authority schedules.

8. Village polytechnics.
9. Implementation of specific national government policies on natural resources and environmental conservation—
- (a) soil and water conservation—
 - (i) implementation of county specific water conservation and forestry policies through water resource users;
 - (ii) water pollution control; and
 - (iii) borehole site identification and drilling; and
 - (b) forestry including farm forest extension services, forests and game reserves formerly managed by local authorities excluding forests managed by Kenya Forest Service, National Water Towers and private forests.
10. County public works and services—
- (a) public works including designing, documentation, post contracting, project management of construction and maintenance of public buildings and other infrastructural services. Construction of footbridges; and
 - (b) water and sanitation services including rural water and sanitation services, provision of water and sanitation service in small and medium towns without formal service providers, water harvesting (specific to counties), urban water and sanitation services with formal service provision including water, sanitation and sewerage companies, excluding Water Service Boards, Water Services Regulatory Board and Water Resources Management Authority.
11. Ensuring and co-ordinating the participation of communities and locations in governance at the local level and assisting communities and locations to develop the administrative capacity for the effective exercise of the functions and powers and participation in governance at the local level.
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TRANSFER OF FUNCTIONS, 2013

[L.N. 153/2013.]

Pursuant to section 15 of the Sixth Schedule to the Constitution as read with sections 23 and 24 of the Transition to Devolved Governments Act, 2012 and further to the Legal Notice No. 16 of 2013, the Transition Authority approves the transfer of the functions specified in the Schedule to the county government of Mandera, with effect from the 9th August, 2013:

Provided that the responsibility for the personnel emoluments related to the discharge of the devolved functions shall be managed by the national government for a period not exceeding six months or as shall be agreed upon between the two levels of government, whichever comes first.

Legal Notice No. 132 of 2013 is revoked.

SCHEDULE**1. Agriculture—**

- (a) crop husbandry including—
- (i) provision of agricultural extension services or farmer advisory services;
 - (ii) development and implementation of programmes in the agricultural sector to address food security in the county;
 - (iii) construction of grain storage structures;
 - (iv) enforcement of regulations and standards on quality control of inputs, produce and products from the agricultural sector;
 - (v) availing farm inputs such as certified seeds, fertilizer and other planting materials, such as cassava cutting or potato vines, to farmers;
 - (vi) development of programmes to intervene on soil and water management and conservation of the natural resource base for agriculture;
 - (vii) promotion of market access for agricultural products;
 - (viii) provision of infrastructure to promote agricultural production and marketing as well as agro-processing and value chains;
 - (ix) enhancing accessibility to affordable credit and insurance packages for farmers;
 - (x) management of agricultural training centers and agricultural mechanization stations:

Provided that the management of agricultural training centers and agricultural mechanization station shall be transferred after six months, to enable the requisite structures and mechanisms to be put in place by the Transition Authority;
 - (xi) land development services such as construction of water pans for horticultural production for food security;
 - (xii) formulation and review of county specific policies;
 - (xiii) developing and enacting legislation and regulatory frameworks for county specific policies; and
 - (xiv) implementation of national and county specific policies and legislation;
- (b) animal husbandry including livestock extension services to deliver husbandry technologies to livestock farmers and pastoralists, through farm demonstrations, farmer field days, farmer field schools, agricultural shows,

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individual farm visits, farmer training courses (residential and non-residential), barazas, farmer tours, posters, brochures or leaflets;

- (c) plant and animal disease control including carrying out, co-ordinating and overseeing—
 - (i) communal dipping and spraying operations and vaccination campaigns; and
 - (ii) control of plant pests, diseases and noxious weeds that are specific to counties; and
- (d) fisheries including—
 - (i) fisheries extension services;
 - (ii) upscaling seaweed, fin fish and crustacean culture;
 - (iii) county fish seed bulking units;
 - (iv) on-farm trials;
 - (v) fish health certification;
 - (vi) development and maintenance of fish landing stations and jetties, fish auction centers and fish landing fees;
 - (vii) demarcation of all fish breeding areas and fencing of fish landing stations;
 - (viii) fish trade licensing and fish movement permits;
 - (ix) collection of fish production statistics;
 - (x) enforcement of fisheries regulations and compliance with management measures;
 - (xi) implementation of fisheries policy, fisheries management measures and regulation and limiting access to fishing;
 - (xii) fisheries monitoring, control and surveillance; and
 - (xiii) zonation for aquaculture-county specific disease control.

2. County health services—

- (a) county health facilities and pharmacies including—
 - (i) county health facilities including county and sub-county hospitals, rural health centres, dispensaries, rural health training and demonstration centres. Rehabilitation and maintenance of county health facilities including maintenance of vehicles, medical equipment and machinery. Inspection and licensing of medical premises including reporting;
 - (ii) county health pharmacies including specifications, quantification, storage, distribution, dispensing and rational use of medical commodities:

Provided that, until alternative intergovernmental arrangements are made, all counties shall procure medical commodities from the Kenya Medical Supplies Authority except where a particular commodity required by a county government is not available at the Kenya Medical Supplies Authority;
- (b) ambulance services including emergency response and patient referral system;
- (c) promotion of primary health care including health education, health promotion, community health services, reproductive health, child health, tuberculosis, HIV, malaria, school health program, environmental health, maternal health care, immunization, disease surveillance, outreach services, referral, nutrition, occupational safety, food and water quality and safety, disease screening, hygiene and sanitation, disease prevention and control, ophthalmic services, clinical services, rehabilitation, mental health, laboratory

services, oral health, disaster preparedness and disease outbreak services. Planning and monitoring, health information system (data collection, collation, analysis and reporting), supportive supervision, patient and health facility records and inventories;

- (d) licensing and control of undertakings that sell food to the public including food safety and control;
- (e) veterinary services to carry out, co-ordinate and oversee veterinary services including clinical services, artificial insemination, and reproductive health management; but excluding regulation of the profession; and
- (f) enforcement of waste management policies, standards and regulations; in particular—
 - (i) refuse removal (garbage) including, provision of waste collection bins, segregation of waste at source, licensing of waste transportation;
 - (ii) refuse dumps including zoning waste operational areas, conducting environmental impact assessment for the siting of dumps, fencing of dumps, controlling fires, monitoring waste characteristics and monitoring of waste water from the dumpsite (leachate); and
 - (iii) solid waste disposal including enforcement of national waste management policies, standards and laws with respect to landfilling, incineration with energy recovery, compositing, recycling and operation of transfer stations.

3. Control of air pollution, noise pollution and other public nuisance including—

- (a) control of noise pollution and other public nuisances;
- (b) licensing for persons exceeding the permissible noise levels; and
- (c) noise mapping and action plan development,

excluding the implementation of nationally set ambient air quality standards.

4. Cultural services, public entertainment and public amenities—

- (a) county betting, casinos and other forms of gambling;
- (b) racing;
- (c) cinemas;
- (d) libraries excluding Kenya National Library Services; and
- (e) museums.

5. County transport including—

- (a) county roads including primary roads linking all sub-county headquarters and minor roads linking markets and administrative centers excluding roads being managed by Kenya Urban Roads Authority, Kenya Rural Roads Authority, Kenya Wildlife Service and Kenya Forest Service;
- (b) mechanical and transport equipment shall be retained by the national government for a period of six months and the Transition Authority shall during that period develop modalities of sharing the mechanical and transport equipment; and
- (c) public road transport on licensing of public service vehicles operations.

(6) Trade development and regulation—

- (a) fair trading practices including—
 - (i) verification of weighing and measuring instruments;
 - (ii) inspection of weighing and measuring instruments and pre-packed goods;
 - (iii) investigation of complaints relating to unfair trade practices; and
 - (iv) prosecution of offences arising from unfair trade practices;

[Subsidiary]

- (b) co-operative societies—
 - (i) promotion of co-operative societies;
 - (ii) processing of application for registration;
 - (iii) inspections and investigations;
 - (iv) training needs assessment for co-operative movement;
 - (v) market information dissemination and advisory services;
 - (vi) banking inspections local Savings and Credit Co-operative Societies;
 - (vii) risk assessment in Savings and Credit Co-operative Societies;
 - (viii) investment advisory services;
 - (ix) co-ordination and monitoring of co-operative indemnity by co-operative leaders;
 - (x) promotion of co-operative ventures and innovations for local co-operatives;
 - (xi) carrying out certification audits;
 - (xii) carrying out continuous and compliance audits;
 - (xiii) co-operative advisory services;
 - (xiv) pre-co-operative education;
 - (xv) settlement of disputes (arbitration); and
 - (xvi) registration of co-operative societies audited accounts.

7. County planning and development—

- (a) statistical services including—
 - (i) custodian of official statistics in the county;
 - (ii) maintenance of a comprehensive and reliable county socio-economic database;
 - (iii) quality assurance of statistical information;
 - (iv) collection and compilation of statistical information;
 - (v) analysis of statistical information;
 - (vi) publication and dissemination of statistical information for public use; and
 - (vii) co-ordination, monitoring and supervision of the county statistical system;
- (b) boundaries and fencing including—
 - (i) determination of property boundaries;
 - (ii) solving of property boundary disputes;
 - (iii) showing of property boundaries;
 - (iv) ensuring fencing and development of properties; and
 - (v) finalization of surveying of administrative boundaries within the counties; and
- (c) identification of the renewable energy sites for development, excluding identification and implementation of the rural electrification projects, management of the Rural Electrification Fund and development of isolated diesel stations, which shall be transferred within the transition period as per the Rural Electrification Authority schedules.

8. Village polytechnics.

9. Implementation of specific national government policies on natural resources and environmental conservation—

- (a) soil and water conservation—

- (i) implementation of county specific water conservation and forestry policies through water resource users;
 - (ii) water pollution control; and
 - (iii) borehole site identification and drilling; and
- (b) forestry including farm forest extension services, forests and game reserves formerly managed by local authorities excluding forests managed by Kenya Forest Service, National Water Towers and private forests.

10. County public works and services—

- (a) public works including designing, documentation, post contracting, project management of construction and maintenance of public buildings and other infrastructural services. Construction of footbridges; and
- (b) water and sanitation services including rural water and sanitation services, provision of water and sanitation service in small and medium towns without formal service providers, water harvesting (specific to counties), urban water and sanitation services with formal service provision including water, sanitation and sewerage companies, excluding Water Service Boards, Water Services Regulatory Board and Water Resources Management Authority.

11. Ensuring and co-ordinating the participation of communities and locations in governance at the local level and assisting communities and locations to develop the administrative capacity for the effective exercise of the functions and powers and participation in governance at the local level.

TRANSFER OF FUNCTIONS, 2013

[L.N. 154/2013.]

Pursuant to section 15 of the Sixth Schedule to the Constitution as read with sections 23 and 24 of the Transition to Devolved Governments Act, 2012 and further to the Legal Notice No. 16 of 2013, the Transition Authority approves the transfer of the functions specified in the Schedule to the county government of Meru, with effect from the 9th August, 2013:

Provided that the responsibility for the personnel emoluments related to the discharge of the devolved functions shall be managed by the national government for a period not exceeding six months or as shall be agreed upon between the two levels of government, whichever comes first.

SCHEDULE
1. Agriculture—

- (a) crop husbandry including—
- (i) provision of agricultural extension services or farmer advisory services;
 - (ii) development and implementation of programmes in the agricultural sector to address food security in the county;
 - (iii) construction of grain storage structures;
 - (iv) enforcement of regulations and standards on quality control of inputs, produce and products from the agricultural sector;
 - (v) availing farm inputs such as certified seeds, fertilizer and other planting materials, such as cassava cutting or potato vines, to farmers;
 - (vi) development of programmes to intervene on soil and water management and conservation of the natural resource base for agriculture;
 - (vii) promotion of market access for agricultural products;
 - (viii) provision of infrastructure to promote agricultural production and marketing as well as agro-processing and value chains;
 - (ix) enhancing accessibility to affordable credit and insurance packages for farmers;
 - (x) management of agricultural training centers and agricultural mechanization stations:

Provided that the management of agricultural training centers and agricultural mechanization station shall be transferred after six months, to enable the requisite structures and mechanisms to be put in place by the Transition Authority;
 - (xi) land development services such as construction of water pans for horticultural production for food security;
 - (xii) formulation and review of county specific policies;
 - (xiii) developing and enacting legislation and regulatory frameworks for county specific policies; and
 - (xiv) implementation of national and county specific policies and legislation;
- (b) animal husbandry including livestock extension services to deliver husbandry technologies to livestock farmers and pastoralists, through farm demonstrations, farmer field days, farmer field schools, agricultural shows, individual farm visits, farmer training courses (residential and non-residential), barazas, farmer tours, posters, brochures or leaflets;

[Subsidiary]

- (c) plant and animal disease control including carrying out, co-ordinating and overseeing—
 - (i) communal dipping and spraying operations and vaccination campaigns; and
 - (ii) control of plant pests, diseases and noxious weeds that are specific to counties; and
- (d) fisheries including—
 - (i) fisheries extension services;
 - (ii) upscaling seaweed, fin fish and crustacean culture;
 - (iii) county fish seed bulking units;
 - (iv) maintenance of county fish auction centres;
 - (v) on-farm trials;
 - (vi) fish health certification;
 - (vii) development and maintenance of fish landing stations and jetties, fish auction centers and fish landing fees;
 - (viii) demarcation of all fish breeding areas and fencing of fish landing stations;
 - (ix) fish trade licensing and fish movement permits;
 - (x) collection of fish production statistics;
 - (xi) enforcement of fisheries regulations and compliance with management measures;
 - (xii) implementation of fisheries policy, fisheries management measures and regulation and limiting access to fishing;
 - (xiii) fisheries monitoring, control and surveillance; and
 - (xiv) zonation for aquaculture-county specific disease control.

2. County health services—

- (a) county health facilities and pharmacies including—
 - (i) county health facilities including county and sub-county hospitals, rural health centres, dispensaries, rural health training and demonstration centres. Rehabilitation and maintenance of county health facilities including maintenance of vehicles, medical equipment and machinery. Inspection and licensing of medical premises including reporting;
 - (ii) county health pharmacies including specifications, quantification, storage, distribution, dispensing and rational use of medical commodities:

Provided that until alternative intergovernmental arrangements are made, all counties shall procure medical commodities from the Kenya Medical Supplies Authority except where a particular commodity required by a county government is not available at the Kenya Medical Supplies Authority;
- (b) ambulance services including emergency response and patient referral system;
- (c) promotion of primary health care including health education, health promotion, community health services, reproductive health, child health, tuberculosis, HIV, malaria, school health program, environmental health, maternal health care, immunization, disease surveillance, outreach services, referral, nutrition, occupational safety, food and water quality and safety, disease screening, hygiene and sanitation, disease prevention and control, ophthalmic services, clinical services, rehabilitation, mental health, laboratory services, oral health, disaster preparedness and disease outbreak services.

Planning and monitoring, health information system (data collection, collation, analysis and reporting), supportive supervision, patient and health facility records and inventories;

- (d) licensing and control of undertakings that sell food to the public including food safety and control;
- (e) veterinary services to carry out, co-ordinate and oversee veterinary services including clinical services, artificial insemination, and reproductive health management; but excluding regulation of the profession; and
- (f) enforcement of waste management policies, standards and regulations; in particular—
 - (i) refuse removal (garbage) including, provision of waste collection bins, segregation of waste at source, licensing of waste transportation;
 - (ii) refuse dumps including zoning waste operational areas, conducting environmental impact assessment for the siting of dumps, fencing of dumps, controlling fires, monitoring waste characteristics and monitoring of waste water from the dumpsite (leachate); and
 - (iii) solid waste disposal including enforcement of national waste management policies, standards and laws with respect to landfilling, incineration with energy recovery, compositing, recycling and operation of transfer stations.

3. Control of air pollution, noise pollution and other public nuisance including—

- (a) control of noise pollution and other public nuisances;
- (b) licensing for persons exceeding the permissible noise levels; and
- (c) noise mapping and action plan development,

excluding the implementation of nationally set ambient air quality standards.

4. Cultural services, public entertainment and public amenities—

- (a) county betting, casinos and other forms of gambling;
- (b) racing;
- (c) cinemas;
- (d) libraries excluding Kenya National Library Services; and
- (e) museums.

5. County transport including—

- (a) county roads including primary roads linking all sub-county headquarters and minor roads linking markets and administrative centers excluding roads being managed by Kenya Urban Roads Authority, Kenya Rural Roads Authority, Kenya Wildlife Service and Kenya Forest Service;
- (b) mechanical and transport equipment shall be retained by the national government for a period of six months and the Transition Authority shall during that period develop modalities of sharing the mechanical and transport equipment;
- (c) public road transport on licensing of public service vehicles operations.

6. Trade development and regulation—

- (a) fair trading practices including—
 - (i) verification of weighing and measuring instruments;
 - (ii) inspection of weighing and measuring instruments and pre-packed goods;
 - (iii) investigation of complaints relating to unfair trade practices; and
 - (iv) prosecution of offences arising from unfair trade practices;

[Subsidiary]

- (b) co-operative societies—
 - (i) promotion of co-operative societies;
 - (ii) processing of application for registration;
 - (iii) inspections and investigations;
 - (iv) training needs assessment for co-operative movement;
 - (v) market information dissemination and advisory services;
 - (vi) banking inspections local Savings and Credit Co-operative Societies;
 - (vii) risk assessment in Savings and Credit Co-operative Societies;
 - (viii) investment advisory services;
 - (ix) co-ordination and monitoring of co-operative indemnity by co-operative leaders;
 - (x) promotion of co-operative ventures and innovations for local co-operatives;
 - (xi) carrying out certification audits;
 - (xii) carrying out continuous and compliance audits;
 - (xiii) co-operative advisory services;
 - (xiv) pre-co-operative education;
 - (xv) settlement of disputes (arbitration); and
 - (xvi) registration of co-operative societies audited accounts.

7. County planning and development—

- (a) statistical services including—
 - (i) custodian of official statistics in the county;
 - (ii) maintenance of a comprehensive and reliable county socio-economic database;
 - (iii) quality assurance of statistical information;
 - (iv) collection and compilation of statistical information;
 - (v) analysis of statistical information;
 - (vi) publication and dissemination of statistical information for public use; and
 - (vii) co-ordination, monitoring and supervision of the county statistical system;
- (b) boundaries and fencing including—
 - (i) determination of property boundaries;
 - (ii) solving of property boundary disputes;
 - (iii) showing of property boundaries;
 - (iv) ensuring fencing and development of properties; and
 - (v) finalization of surveying of administrative boundaries within the counties; and
- (c) identification of the renewable energy sites for development, excluding identification and implementation of the rural electrification projects, management of the Rural Electrification Fund and development of isolated diesel stations, which shall be transferred within the transition period as per the Rural Electrification Authority schedules.

8. Village polytechnics.

9. Implementation of specific national government policies on natural resources and environmental conservation—

- (a) soil and water conservation—
 - (i) implementation of county specific water conservation and forestry policies through water resource users;
 - (ii) water pollution control; and
 - (iii) borehole site identification and drilling; and
- (b) forestry including farm forest extension services, forests and game reserves formerly managed by local authorities excluding forests managed by Kenya Forest Service, National Water Towers and private forests.

10. County public works and services—

- (a) public works including designing, documentation, post contracting, project management of construction and maintenance of public buildings and other infrastructural services. Construction of footbridges; and
- (b) water and sanitation services including rural water and sanitation services, provision of water and sanitation service in small and medium towns without formal service providers, water harvesting (specific to counties), urban water and sanitation services with formal service provision including water, sanitation and sewerage companies, excluding Water Service Boards, Water Services Regulatory Board and Water Resources Management Authority.

11. Ensuring and co-ordinating the participation of communities and locations in governance at the local level and assisting communities and locations to develop the administrative capacity for the effective exercise of the functions and powers and participation in governance at the local level.

TRANSFER OF FUNCTIONS, 2013

[L.N. 155/2013.]

Pursuant to section 15 of the Sixth Schedule to the Constitution as read with sections 23 and 24 of the Transition to Devolved Governments Act, 2012 and further to the Legal Notice No. 16 of 2013, the Transition Authority approves the transfer of the functions specified in the Schedule to the county government of Marsabit, with effect from the 9th August, 2013:

Provided that the responsibility for the personnel emoluments related to the discharge of the devolved functions shall be managed by the national government for a period not exceeding six months or as shall be agreed upon between the two levels of government, whichever comes first.

Legal Notice No. 133 of 2013 is revoked.

SCHEDULE**1. Agriculture—**

- (a) crop husbandry including—
- (i) provision of agricultural extension services or farmer advisory services;
 - (ii) development and implementation of programmes in the agricultural sector to address food security in the county;
 - (iii) construction of grain storage structures;
 - (iv) enforcement of regulations and standards on quality control of inputs, produce and products from the agricultural sector;
 - (v) availing farm inputs such as certified seeds, fertilizer and other planting materials, such as cassava cutting or potato vines, to farmers;
 - (vi) development of programmes to intervene on soil and water management and conservation of the natural resource base for agriculture;
 - (vii) promotion of market access for agricultural products;
 - (viii) provision of infrastructure to promote agricultural production and marketing as well as agro-processing and value chains;
 - (ix) enhancing accessibility to affordable credit and insurance packages for farmers;
 - (x) management of agricultural training centers and agricultural mechanization stations:

Provided that the management of agricultural training centers and agricultural mechanization station shall be transferred after six months, to enable the requisite structures and mechanisms to be put in place by the Transition Authority;
 - (xi) land development services such as construction of water pans for horticultural production for food security;
 - (xii) formulation and review of county specific policies;
 - (xiii) developing and enacting legislation and regulatory frameworks for county specific policies; and
 - (xiv) implementation of national and county specific policies and legislation;
- (b) animal husbandry including livestock extension services to deliver husbandry technologies to livestock farmers and pastoralists, through farm demonstrations, farmer field days, farmer field schools, agricultural shows,

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individual farm visits, farmer training courses (residential and non-residential), barazas, farmer tours, posters, brochures or leaflets;

- (c) plant and animal disease control including carrying out, co-ordinating and overseeing—
 - (i) communal dipping and spraying operations and vaccination campaigns; and
 - (ii) control of plant pests, diseases and noxious weeds that are specific to counties; and
- (d) fisheries including—
 - (i) fisheries extension services;
 - (ii) upscaling seaweed, fin fish and crustacean culture;
 - (iii) county fish seed bulking units;
 - (iv) on-farm trials;
 - (v) fish health certification;
 - (vi) development and maintenance of fish landing stations and jetties, fish auction centers and fish landing fees;
 - (vii) demarcation of all fish breeding areas and fencing of fish landing stations;
 - (viii) fish trade licensing and fish movement permits;
 - (ix) collection of fish production statistics;
 - (x) enforcement of fisheries regulations and compliance with management measures;
 - (xi) implementation of fisheries policy, fisheries management measures and regulation and limiting access to fishing;
 - (xii) fisheries monitoring, control and surveillance; and
 - (xiii) zonation for aquaculture-county specific disease control.

2. County health services—

- (a) county health facilities and pharmacies including—
 - (i) county health facilities including county and sub-county hospitals, rural health centres, dispensaries, rural health training and demonstration centres. Rehabilitation and maintenance of county health facilities including maintenance of vehicles, medical equipment and machinery. Inspection and licensing of medical premises including reporting;
 - (ii) county health pharmacies including specifications, quantification, storage, distribution, dispensing and rational use of medical commodities:

Provided that, until alternative intergovernmental arrangements are made, all counties shall procure medical commodities from the Kenya Medical Supplies Authority except where a particular commodity required by a county government is not available at the Kenya Medical Supplies Authority;
- (b) ambulance services including emergency response and patient referral system;
- (c) promotion of primary health care including health education, health promotion, community health services, reproductive health, child health, tuberculosis, HIV, malaria, school health program, environmental health, maternal health care, immunization, disease surveillance, outreach services, referral, nutrition, occupational safety, food and water quality and safety, disease screening, hygiene and sanitation, disease prevention and control, ophthalmic services, clinical services, rehabilitation, mental health, laboratory

services, oral health, disaster preparedness and disease outbreak services. Planning and monitoring, health information system (data collection, collation, analysis and reporting), supportive supervision, patient and health facility records and inventories;

- (d) licensing and control of undertakings that sell food to the public including food safety and control;
- (e) veterinary services to carry out, co-ordinate and oversee veterinary services including clinical services, artificial insemination, and reproductive health management; but excluding regulation of the profession; and
- (f) enforcement of waste management policies, standards and regulations; in particular—
 - (i) refuse removal (garbage) including, provision of waste collection bins, segregation of waste at source, licensing of waste transportation;
 - (ii) refuse dumps including zoning waste operational areas, conducting environmental impact assessment for the siting of dumps, fencing of dumps, controlling fires, monitoring waste characteristics and monitoring of waste water from the dumpsite (leachate); and
 - (iii) solid waste disposal including enforcement of national waste management policies, standards and laws with respect to landfilling, incineration with energy recovery, compositing, recycling and operation of transfer stations.

3. Control of air pollution, noise pollution and other public nuisance including—

- (a) control of noise pollution and other public nuisances;
- (b) licensing for persons exceeding the permissible noise levels; and
- (c) noise mapping and action plan development,

excluding the implementation of nationally set ambient air quality standards.

4. Cultural services, public entertainment and public amenities—

- (a) county betting, casinos and other forms of gambling;
- (b) racing;
- (c) cinemas;
- (d) libraries excluding Kenya National Library Services; and
- (e) museums.

5. County transport including—

- (a) county roads including primary roads linking all sub-county headquarters and minor roads linking markets and administrative centers excluding roads being managed by Kenya Urban Roads Authority, Kenya Rural Roads Authority, Kenya Wildlife Service and Kenya Forest Service;
- (b) mechanical and transport equipment shall be retained by the national government for a period of six months and the Transition Authority shall during that period develop modalities of sharing the mechanical and transport equipment; and
- (c) public road transport on licensing of public service vehicles operations.

6. Trade development and regulation—

- (a) fair trading practices including—
 - (i) verification of weighing and measuring instruments;
 - (ii) inspection of weighing and measuring instruments and pre-packed goods;
 - (iii) investigation of complaints relating to unfair trade practices; and
 - (iv) prosecution of offences arising from unfair trade practices;

[Subsidiary]

- (b) co-operative societies—
 - (i) promotion of co-operative societies;
 - (ii) processing of application for registration;
 - (iii) inspections and investigations;
 - (iv) training needs assessment for co-operative movement;
 - (v) market information dissemination and advisory services;
 - (vi) banking inspections local Savings and Credit Co-operative Societies;
 - (vii) risk assessment in Savings and Credit Co-operative Societies;
 - (viii) investment advisory services;
 - (ix) co-ordination and monitoring of co-operative indemnity by co-operative leaders;
 - (x) promotion of co-operative ventures and innovations for local co-operatives ;
 - (xi) carrying out certification audits;
 - (xii) carrying out continuous and compliance audits;
 - (xiii) co-operative advisory services;
 - (xiv) pre-co-operative education;
 - (xv) settlement of disputes (arbitration); and
 - (xvi) registration of co-operative societies audited accounts.

7. County planning and development—

- (a) statistical services including—
 - (i) custodian of official statistics in the county;
 - (ii) maintenance of a comprehensive and reliable county socio-economic database;
 - (iii) quality assurance of statistical information;
 - (iv) collection and compilation of statistical information;
 - (v) analysis of statistical information;
 - (vi) publication and dissemination of statistical information for public use; and
 - (vii) co-ordination, monitoring and supervision of the county statistical system;
- (b) boundaries and fencing including—
 - (i) determination of property boundaries;
 - (ii) solving of property boundary disputes;
 - (iii) showing of property boundaries;
 - (iv) ensuring fencing and development of properties; and
 - (v) finalization of surveying of administrative boundaries within the counties; and
- (c) identification of the renewable energy sites for development, excluding identification and implementation of the rural electrification projects, management of the Rural Electrification Fund and development of isolated diesel stations, which shall be transferred within the transition period as per the Rural Electrification Authority schedules.

8. Village polytechnics.

9. Implementation of specific national government policies on natural resources and environmental conservation—

- (a) soil and water conservation—

- (i) implementation of county specific water conservation and forestry policies through water resource users;
 - (ii) water pollution control; and
 - (iii) borehole site identification and drilling; and
- (b) forestry including farm forest extension services, forests and game reserves formerly managed by local authorities excluding forests managed by Kenya Forest Service, National Water Towers and private forests.

10. County public works and services—

- (a) public works including designing, documentation, post contracting, project management of construction and maintenance of public buildings and other infrastructural services. Construction of footbridges; and
- (b) water and sanitation services including rural water and sanitation services, provision of water and sanitation service in small and medium towns without formal service providers, water harvesting (specific to counties), urban water and sanitation services with formal service provision including water, sanitation and sewerage companies, excluding Water Service Boards, Water Services Regulatory Board and Water Resources Management Authority.

11. Ensuring and co-ordinating the participation of communities and locations in governance at the local level and assisting communities and locations to develop the administrative capacity for the effective exercise of the functions and powers and participation in governance at the local level.

TRANSFER OF FUNCTIONS, 2013

[L.N. 156/2013.]

Pursuant to section 15 of the Sixth Schedule to the Constitution as read with sections 23 and 24 of the Transition to Devolved Governments Act, 2012 and further to the Legal Notice No. 16 of 2013, the Transition Authority approves the transfer of the functions specified in the Schedule to the county government of Migori, with effect from the 9th August, 2013:

Provided that the responsibility for the personnel emoluments related to the discharge of the devolved functions shall be managed by the national government for a period not exceeding six months or as shall be agreed upon between the two levels of government, whichever comes first.

SCHEDULE**1. Agriculture—**

- (a) crop husbandry including—
- (i) provision of agricultural extension services or farmer advisory services;
 - (ii) development and implementation of programmes in the agricultural sector to address food security in the county;
 - (iii) construction of grain storage structures;
 - (iv) enforcement of regulations and standards on quality control of inputs, produce and products from the agricultural sector;
 - (v) availing farm inputs such as certified seeds, fertilizer and other planting materials, such as cassava cutting or potato vines, to farmers;
 - (vi) development of programmes to intervene on soil and water management and conservation of the natural resource base for agriculture;
 - (vii) promotion of market access for agricultural products;
 - (viii) provision of infrastructure to promote agricultural production and marketing as well as agro-processing and value chains;
 - (ix) enhancing accessibility to affordable credit and insurance packages for farmers;
 - (x) management of agricultural training centers and agricultural mechanization stations:

Provided that the management of agricultural training centers and agricultural mechanization station shall be transferred after six months, to enable the requisite structures and mechanisms to be put in place by the Transition Authority;
 - (xi) land development services such as construction of water pans for horticultural production for food security;
 - (xii) formulation and review of county specific policies;
 - (xiii) developing and enacting legislation and regulatory frameworks for county specific policies; and
 - (xiv) implementation of national and county specific policies and legislation;
- (b) animal husbandry including livestock extension services to deliver husbandry technologies to livestock farmers and pastoralists, through farm demonstrations, farmer field days, farmer field schools, agricultural shows, individual farm visits, farmer training courses (residential and non-residential), barazas, farmer tours, posters, brochures or leaflets;

[Subsidiary]

- (c) plant and animal disease control including carrying out, co-ordinating and overseeing—
 - (i) communal dipping and spraying operations and vaccination campaigns; and
 - (ii) control of plant pests, diseases and noxious weeds that are specific to counties; and
- (d) fisheries including—
 - (i) fisheries extension services;
 - (ii) upscaling seaweed, fin fish and crustacean culture;
 - (iii) county fish seed bulking units;
 - (iv) maintenance of county fish auction centres;
 - (v) on-farm trials;
 - (vi) fish health certification;
 - (vii) development and maintenance of fish landing stations and jetties, fish auction centers and fish landing fees;
 - (viii) demarcation of all fish breeding areas and fencing of fish landing stations;
 - (ix) fish trade licensing and fish movement permits;
 - (x) collection of fish production statistics;
 - (xi) enforcement of fisheries regulations and compliance with management measures;
 - (xii) implementation of fisheries policy, fisheries management measures and regulation and limiting access to fishing;
 - (xiii) fisheries monitoring, control and surveillance; and
 - (xiv) zonation for aquaculture-county specific disease control.

2. County health services—

- (a) county health facilities and pharmacies including—
 - (i) county health facilities including county and sub-county hospitals, rural health centres, dispensaries, rural health training and demonstration centres. Rehabilitation and maintenance of county health facilities including maintenance of vehicles, medical equipment and machinery. Inspection and licensing of medical premises including reporting;
 - (ii) county health pharmacies including specifications, quantification, storage, distribution, dispensing and rational use of medical commodities:

Provided that until alternative intergovernmental arrangements are made, all counties shall procure medical commodities from the Kenya Medical Supplies Authority except where a particular commodity required by a county government is not available at the Kenya Medical Supplies Authority;
- (b) ambulance services including emergency response and patient referral system;
- (c) promotion of primary health care including health education, health promotion, community health services, reproductive health, child health, tuberculosis, HIV, malaria, school health program, environmental health, maternal health care, immunization, disease surveillance, outreach services, referral, nutrition, occupational safety, food and water quality and safety, disease screening, hygiene and sanitation, disease prevention and control, ophthalmic services, clinical services, rehabilitation, mental health, laboratory services, oral health, disaster preparedness and disease outbreak services.

Planning and monitoring, health information system (data collection, collation, analysis and reporting), supportive supervision, patient and health facility records and inventories;

- (d) licensing and control of undertakings that sell food to the public including food safety and control;
- (e) veterinary services to carry out, co-ordinate and oversee veterinary services including clinical services, artificial insemination, and reproductive health management; but excluding regulation of the profession; and
- (f) enforcement of waste management policies, standards and regulations; in particular—
 - (i) refuse removal (garbage) including, provision of waste collection bins, segregation of waste at source, licensing of waste transportation;
 - (ii) refuse dumps including zoning waste operational areas, conducting environmental impact assessment for the siting of dumps, fencing of dumps, controlling fires, monitoring waste characteristics and monitoring of waste water from the dumpsite (leachate); and
 - (iii) solid waste disposal including enforcement of national waste management policies, standards and laws with respect to landfilling, incineration with energy recovery, compositing, recycling and operation of transfer stations.

3. Control of air pollution, noise pollution and other public nuisance including—

- (a) control of noise pollution and other public nuisances;
- (b) licensing for persons exceeding the permissible noise levels; and
- (c) noise mapping and action plan development,

excluding the implementation of nationally set ambient air quality standards.

4. Cultural services, public entertainment and public amenities—

- (a) county betting, casinos and other forms of gambling;
- (b) racing;
- (c) cinemas;
- (d) libraries excluding Kenya National Library Services; and
- (e) museums.

5. County transport including—

- (a) county roads including primary roads linking all sub-county headquarters and minor roads linking markets and administrative centers excluding roads being managed by Kenya Urban Roads Authority, Kenya Rural Roads Authority, Kenya Wildlife Service and Kenya Forest Service;
- (b) mechanical and transport equipment shall be retained by the national government for a period of six months and the Transition Authority shall during that period develop modalities of sharing the mechanical and transport equipment;
- (c) public road transport on licensing of public service vehicles operations.

6. Trade development and regulation—

- (a) fair trading practices including—
 - (i) verification of weighing and measuring instruments;
 - (ii) inspection of weighing and measuring instruments and pre-packed goods;
 - (iii) investigation of complaints relating to unfair trade practices; and
 - (iv) prosecution of offences arising from unfair trade practices;

[Subsidiary]

- (b) co-operative societies—
 - (i) promotion of co-operative societies;
 - (ii) processing of application for registration;
 - (iii) inspections and investigations;
 - (iv) training needs assessment for co-operative movement;
 - (v) market information dissemination and advisory services;
 - (vi) banking inspections local Savings and Credit Co-operative Societies;
 - (vii) risk assessment in Savings and Credit Co-operative Societies;
 - (viii) investment advisory services;
 - (ix) co-ordination and monitoring of co-operative indemnity by co-operative leaders;
 - (x) promotion of co-operative ventures and innovations for local co-operatives;
 - (xi) carrying out certification audits;
 - (xii) carrying out continuous and compliance audits;
 - (xiii) co-operative advisory services;
 - (xiv) pre-co-operative education;
 - (xv) settlement of disputes (arbitration); and
 - (xvi) registration of co-operative societies audited accounts.

7. County planning and development—

- (a) statistical services including—
 - (i) custodian of official statistics in the county;
 - (ii) maintenance of a comprehensive and reliable county socio-economic database;
 - (iii) quality assurance of statistical information;
 - (iv) collection and compilation of statistical information;
 - (v) analysis of statistical information;
 - (vi) publication and dissemination of statistical information for public use; and
 - (vii) co-ordination, monitoring and supervision of the county statistical system;
- (b) boundaries and fencing including—
 - (i) determination of property boundaries;
 - (ii) solving of property boundary disputes;
 - (iii) showing of property boundaries;
 - (iv) ensuring fencing and development of properties; and
 - (v) finalization of surveying of administrative boundaries within the counties; and
- (c) identification of the renewable energy sites for development, excluding identification and implementation of the rural electrification projects, management of the Rural Electrification Fund and development of isolated diesel stations, which shall be transferred within the transition period as per the Rural Electrification Authority schedules.

8. Village polytechnics.

- 9.** Implementation of specific national government policies on natural resources and environmental conservation—
- (a) soil and water conservation—
 - (i) implementation of county specific water conservation and forestry policies through water resource users;
 - (ii) water pollution control; and
 - (iii) borehole site identification and drilling; and
 - (b) forestry including farm forest extension services, forests and game reserves formerly managed by local authorities excluding forests managed by Kenya Forest Service, National Water Towers and private forests.
- 10.** County public works and services—
- (a) public works including designing, documentation, post contracting, project management of construction and maintenance of public buildings and other infrastructural services. Construction of footbridges; and
 - (b) water and sanitation services including rural water and sanitation services, provision of water and sanitation service in small and medium towns without formal service providers, water harvesting (specific to counties), urban water and sanitation services with formal service provision including water, sanitation and sewerage companies, excluding Water Service Boards, Water Services Regulatory Board and Water Resources Management Authority.
- 11.** Ensuring and co-ordinating the participation of communities and locations in governance at the local level and assisting communities and locations to develop the administrative capacity for the effective exercise of the functions and powers and participation in governance at the local level.
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TRANSFER OF FUNCTIONS, 2013

[L.N. 157/2013.]

Pursuant to section 15 of the Sixth Schedule to the Constitution as read with sections 23 and 24 of the Transition to Devolved Governments Act, 2012 and further to the Legal Notice No. 16 of 2013, the Transition Authority approves the transfer of the functions specified in the Schedule to the county government of Nakuru, with effect from the 9th August, 2013:

Provided that the responsibility for the personnel emoluments related to the discharge of the devolved functions shall be managed by the national government for a period not exceeding six months or as shall be agreed upon between the two levels of government, whichever comes first.

SCHEDULE**1. Agriculture—**

- (a) crop husbandry including—
- (i) provision of agricultural extension services or farmer advisory services;
 - (ii) development and implementation of programmes in the agricultural sector to address food security in the county;
 - (iii) construction of grain storage structures;
 - (iv) enforcement of regulations and standards on quality control of inputs, produce and products from the agricultural sector;
 - (v) availing farm inputs such as certified seeds, fertilizer and other planting materials, such as cassava cutting or potato vines, to farmers;
 - (vi) development of programmes to intervene on soil and water management and conservation of the natural resource base for agriculture;
 - (vii) promotion of market access for agricultural products;
 - (viii) provision of infrastructure to promote agricultural production and marketing as well as agro-processing and value chains;
 - (ix) enhancing accessibility to affordable credit and insurance packages for farmers;
 - (x) management of agricultural training centers and agricultural mechanization stations:

Provided that the management of agricultural training centers and agricultural mechanization station shall be transferred after six months, to enable the requisite structures and mechanisms to be put in place by the Transition Authority;
 - (xi) land development services such as construction of water pans for horticultural production for food security;
 - (xii) formulation and review of county specific policies;
 - (xiii) developing and enacting legislation and regulatory frameworks for county specific policies; and
 - (xiv) implementation of national and county specific policies and legislation;
- (b) animal husbandry including livestock extension services to deliver husbandry technologies to livestock farmers and pastoralists, through farm demonstrations, farmer field days, farmer field schools, agricultural shows, individual farm visits, farmer training courses (residential and non-residential), barazas, farmer tours, posters, brochures or leaflets;

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[Subsidiary]

- (c) plant and animal disease control including carrying out, co-ordinating and overseeing—
 - (i) communal dipping and spraying operations and vaccination campaigns; and
 - (ii) control of plant pests, diseases and noxious weeds that are specific to counties; and
- (d) fisheries including—
 - (i) fisheries extension services;
 - (ii) upscaling seaweed, fin fish and crustacean culture;
 - (iii) county fish seed bulking units;
 - (iv) on-farm trials;
 - (v) fish health certification;
 - (vi) development and maintenance of fish landing stations and jetties, fish auction centers and fish landing fees;
 - (vii) demarcation of all fish breeding areas and fencing of fish landing stations;
 - (viii) fish trade licensing and fish movement permits;
 - (ix) collection of fish production statistics;
 - (x) enforcement of fisheries regulations and compliance with management measures;
 - (xi) implementation of fisheries policy, fisheries management measures and regulation and limiting access to fishing;
 - (xii) fisheries monitoring, control and surveillance; and
 - (xiii) zonation for aquaculture-county specific disease control.

2. County health services—

- (a) county health facilities and pharmacies including—
 - (i) county health facilities including Nakuru Provincial General Hospital, county health services including county and sub-county hospitals, rural health centres, dispensaries, rural health training and demonstration centres. Rehabilitation and maintenance of county health facilities including maintenance of vehicles, medical equipment and machinery. Inspection and licensing of medical premises including reporting;
 - (ii) county health pharmacies including specifications, quantification, storage, distribution, dispensing and rational use of medical commodities:

Provided that until alternative intergovernmental arrangements are made, all counties shall procure medical commodities from the Kenya Medical Supplies Authority except where a particular commodity required by a county government is not available at the Kenya Medical Supplies Authority;
- (b) ambulance services including emergency response and patient referral system;
- (c) promotion of primary health care including health education, health promotion, community health services, reproductive health, child health, tuberculosis, HIV, malaria, school health program, environmental health, maternal health care, immunization, disease surveillance, outreach services, referral, nutrition, occupational safety, food and water quality and safety, disease screening, hygiene and sanitation, disease prevention and control, ophthalmic services, clinical services, rehabilitation, mental health, laboratory services, oral health, disaster preparedness and disease outbreak services.

Planning and monitoring, health information system (data collection, collation, analysis and reporting), supportive supervision, patient and health facility records and inventories;

- (d) licensing and control of undertakings that sell food to the public including food safety and control;
- (e) veterinary services to carry out, co-ordinate and oversee veterinary services including clinical services, artificial insemination, and reproductive health management; but excluding regulation of the profession; and
- (f) enforcement of waste management policies, standards and regulations; in particular—
 - (i) refuse removal (garbage) including, provision of waste collection bins, segregation of waste at source, licensing of waste transportation;
 - (ii) refuse dumps including zoning waste operational areas, conducting environmental impact assessment for the siting of dumps, fencing of dumps, controlling fires, monitoring waste characteristics and monitoring of waste water from the dumpsite (leachate); and
 - (iii) solid waste disposal including enforcement of national waste management policies, standards and laws with respect to landfilling, incineration with energy recovery, compositing, recycling and operation of transfer stations.

3. Control of air pollution, noise pollution and other public nuisance including—

- (a) control of noise pollution and other public nuisances;
- (b) licensing for persons exceeding the permissible noise levels; and
- (c) noise mapping and action plan development,

excluding the implementation of nationally set ambient air quality standards.

4. Cultural services, public entertainment and public amenities—

- (a) county betting, casinos and other forms of gambling;
- (b) racing;
- (c) cinemas;
- (d) libraries excluding Kenya National Library Services; and
- (e) museums.

5. County transport including—

- (a) county roads including primary roads linking all sub-county headquarters and minor roads linking markets and administrative centers excluding roads being managed by Kenya Urban Roads Authority, Kenya Rural Roads Authority, Kenya Wildlife Service and Kenya Forest Service;
- (b) mechanical and transport equipment shall be retained by the national government for a period of six months and the Transition Authority shall during that period develop modalities of sharing the mechanical and transport equipment;
- (c) public road transport on licensing of public service vehicles operations.

6. Trade development and regulation—

- (a) fair trading practices including—
 - (i) verification of weighing and measuring instruments;
 - (ii) inspection of weighing and measuring instruments and pre-packed goods;
 - (iii) investigation of complaints relating to unfair trade practices; and
 - (iv) prosecution of offences arising from unfair trade practices;

[Subsidiary]

- (b) co-operative societies—
 - (i) promotion of co-operative societies;
 - (ii) processing of application for registration;
 - (iii) inspections and investigations;
 - (iv) training needs assessment for co-operative movement;
 - (v) market information dissemination and advisory services;
 - (vi) banking inspections local Savings and Credit Co-operative Societies;
 - (vii) risk assessment in Savings and Credit Co-operative Societies;
 - (viii) investment advisory services;
 - (ix) co-ordination and monitoring of co-operative indemnity by co-operative leaders;
 - (x) promotion of co-operative ventures and innovations for local co-operatives;
 - (xi) carrying out certification audits;
 - (xii) carrying out continuous and compliance audits;
 - (xiii) co-operative advisory services;
 - (xiv) pre-co-operative education;
 - (xv) settlement of disputes (arbitration); and
 - (xvi) registration of co-operative societies audited accounts.

7. County planning and development—

- (a) statistical services including—
 - (i) custodian of official statistics in the county;
 - (ii) maintenance of a comprehensive and reliable county socio-economic database;
 - (iii) quality assurance of statistical information;
 - (iv) collection and compilation of statistical information;
 - (v) analysis of statistical information;
 - (vi) publication and dissemination of statistical information for public use; and
 - (vii) co-ordination, monitoring and supervision of the county statistical system;
- (b) boundaries and fencing including—
 - (i) determination of property boundaries;
 - (ii) solving of property boundary disputes;
 - (iii) showing of property boundaries;
 - (iv) ensuring fencing and development of properties; and
 - (v) finalization of surveying of administrative boundaries within the counties; and
- (c) identification of the renewable energy sites for development, excluding identification and implementation of the rural electrification projects, management of the Rural Electrification Fund and development of isolated diesel stations, which shall be transferred within the transition period as per the Rural Electrification Authority schedules.

8. Village polytechnics.

- 9.** Implementation of specific national government policies on natural resources and environmental conservation—
- (a) soil and water conservation—
 - (i) implementation of county specific water conservation and forestry policies through water resource users;
 - (ii) water pollution control; and
 - (iii) borehole site identification and drilling; and
 - (b) forestry including farm forest extension services, forests and game reserves formerly managed by local authorities excluding forests managed by Kenya Forest Service, National Water Towers and private forests.
- 10.** County public works and services—
- (a) public works including designing, documentation, post contracting, project management of construction and maintenance of public buildings and other infrastructural services. Construction of footbridges; and
 - (b) water and sanitation services including rural water and sanitation services, provision of water and sanitation service in small and medium towns without formal service providers, water harvesting (specific to counties), urban water and sanitation services with formal service provision including water, sanitation and sewerage companies, excluding Water Service Boards, Water Services Regulatory Board and Water Resources Management Authority.
- 11.** Ensuring and co-ordinating the participation of communities and locations in governance at the local level and assisting communities and locations to develop the administrative capacity for the effective exercise of the functions and powers and participation in governance at the local level.
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TRANSFER OF FUNCTIONS, 2013

[L.N. 158/2013.]

Pursuant to section 15 of the Sixth Schedule to the Constitution as read with sections 23 and 24 of the Transition to Devolved Governments Act, 2012 and further to the Legal Notice No. 16 of 2013, the Transition Authority approves the transfer of the functions specified in the Schedule to the county government of Nandi, with effect from the 9th August, 2013:

Provided that the responsibility for the personnel emoluments related to the discharge of the devolved functions shall be managed by the national government for a period not exceeding six months or as shall be agreed upon between the two levels of government, whichever comes first.

SCHEDULE**1. Agriculture—**

- (a) crop husbandry including—
- (i) provision of agricultural extension services or farmer advisory services;
 - (ii) development and implementation of programmes in the agricultural sector to address food security in the county;
 - (iii) construction of grain storage structures;
 - (iv) enforcement of regulations and standards on quality control of inputs, produce and products from the agricultural sector;
 - (v) availing farm inputs such as certified seeds, fertilizer and other planting materials, such as cassava cutting or potato vines, to farmers;
 - (vi) development of programmes to intervene on soil and water management and conservation of the natural resource base for agriculture;
 - (vii) promotion of market access for agricultural products;
 - (viii) provision of infrastructure to promote agricultural production and marketing as well as agro-processing and value chains;
 - (ix) enhancing accessibility to affordable credit and insurance packages for farmers;
 - (x) management of agricultural training centers and agricultural mechanization stations:

Provided that the management of agricultural training centers and agricultural mechanization station shall be transferred after six months, to enable the requisite structures and mechanisms to be put in place by the Transition Authority;
 - (xi) land development services such as construction of water pans for horticultural production for food security;
 - (xii) formulation and review of county specific policies;
 - (xiii) developing and enacting legislation and regulatory frameworks for county specific policies; and
 - (xiv) implementation of national and county specific policies and legislation;
- (b) animal husbandry including livestock extension services to deliver husbandry technologies to livestock farmers and pastoralists, through farm demonstrations, farmer field days, farmer field schools, agricultural shows, individual farm visits, farmer training courses (residential and non-residential), barazas, farmer tours, posters, brochures or leaflets;

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- (c) plant and animal disease control including carrying out, co-ordinating and overseeing—
 - (i) communal dipping and spraying operations and vaccination campaigns; and
 - (ii) control of plant pests, diseases and noxious weeds that are specific to counties; and
- (d) fisheries including—
 - (i) fisheries extension services;
 - (ii) upscaling seaweed, fin fish and crustacean culture;
 - (iii) county fish seed bulking units;
 - (iv) on-farm trials;
 - (v) fish health certification;
 - (vi) development and maintenance of fish landing stations and jetties, fish auction centers and fish landing fees;
 - (vii) demarcation of all fish breeding areas and fencing of fish landing stations;
 - (viii) fish trade licensing and fish movement permits;
 - (ix) collection of fish production statistics;
 - (x) enforcement of fisheries regulations and compliance with management measures;
 - (xi) implementation of fisheries policy, fisheries management measures and regulation and limiting access to fishing;
 - (xii) fisheries monitoring, control and surveillance; and
 - (xiii) zonation for aquaculture-county specific disease control.

2. County health services—

- (a) county health facilities and pharmacies including—
 - (i) county health facilities including county and sub-county hospitals, rural health centres, dispensaries, rural health training and demonstration centres. Rehabilitation and maintenance of county health facilities including maintenance of vehicles, medical equipment and machinery. Inspection and licensing of medical premises including reporting;
 - (iii) county health pharmacies including specifications, quantification, storage, distribution, dispensing and rational use of medical commodities:

Provided that until alternative intergovernmental arrangements are made, all counties shall procure medical commodities from the Kenya Medical Supplies Authority except where a particular commodity required by a county government is not available at the Kenya Medical Supplies Authority;
- (b) ambulance services including emergency response and patient referral system;
- (c) promotion of primary health care including health education, health promotion, community health services, reproductive health, child health, tuberculosis, HIV, malaria, school health program, environmental health, maternal health care, immunization, disease surveillance, outreach services, referral, nutrition, occupational safety, food and water quality and safety, disease screening, hygiene and sanitation, disease prevention and control, ophthalmic services, clinical services, rehabilitation, mental health, laboratory services, oral health, disaster preparedness and disease outbreak services.

Planning and monitoring, health information system (data collection, collation, analysis and reporting), supportive supervision, patient and health facility records and inventories;

- (d) licensing and control of undertakings that sell food to the public including food safety and control;
- (e) veterinary services to carry out, co-ordinate and oversee veterinary services including clinical services, artificial insemination, and reproductive health management; but excluding regulation of the profession; and
- (f) enforcement of waste management policies, standards and regulations; in particular—
 - (i) refuse removal (garbage) including, provision of waste collection bins, segregation of waste at source, licensing of waste transportation;
 - (ii) refuse dumps including zoning waste operational areas, conducting environmental impact assessment for the siting of dumps, fencing of dumps, controlling fires, monitoring waste characteristics and monitoring of waste water from the dumpsite (leachate); and
 - (iii) solid waste disposal including enforcement of national waste management policies, standards and laws with respect to landfilling, incineration with energy recovery, compositing, recycling and operation of transfer stations.

3. Control of air pollution, noise pollution and other public nuisance including—

- (a) control of noise pollution and other public nuisances;
- (b) licensing for persons exceeding the permissible noise levels; and
- (c) noise mapping and action plan development,

excluding the implementation of nationally set ambient air quality standards.

4. Cultural services, public entertainment and public amenities—

- (a) county betting, casinos and other forms of gambling;
- (b) racing;
- (c) cinemas;
- (d) libraries excluding Kenya National Library Services; and
- (e) museums.

5. County transport including—

- (a) county roads including primary roads linking all sub-county headquarters and minor roads linking markets and administrative centers excluding roads being managed by Kenya Urban Roads Authority, Kenya Rural Roads Authority, Kenya Wildlife Service and Kenya Forest Service;
- (b) mechanical and transport equipment shall be retained by the national government for a period of six months and the Transition Authority shall during that period develop modalities of sharing the mechanical and transport equipment; and
- (c) public road transport on licensing of public service vehicles operations.

6. Trade development and regulation—

- (a) fair trading practices including—
 - (i) verification of weighing and measuring instruments;
 - (ii) inspection of weighing and measuring instruments and pre-packed goods;
 - (iii) investigation of complaints relating to unfair trade practices; and
 - (iv) prosecution of offences arising from unfair trade practices;

[Subsidiary]

- (b) co-operative societies—
 - (i) promotion of co-operative societies;
 - (ii) processing of application for registration;
 - (iii) inspections and investigations;
 - (iv) training needs assessment for co-operative movement;
 - (v) market information dissemination and advisory services;
 - (vi) banking inspections local Savings and Credit Co-operative Societies;
 - (vii) risk assessment in Savings and Credit Co-operative Societies;
 - (viii) investment advisory services;
 - (ix) co-ordination and monitoring of co-operative indemnity by co-operative leaders;
 - (x) promotion of co-operative ventures and innovations for local co-operatives;
 - (xi) carrying out certification audits;
 - (xii) carrying out continuous and compliance audits;
 - (xiii) co-operative advisory services;
 - (xiv) pre-co-operative education;
 - (xv) settlement of disputes (arbitration); and
 - (xvi) registration of co-operative societies audited accounts.

7. County planning and development—

- (a) statistical services including—
 - (i) custodian of official statistics in the county;
 - (ii) maintenance of a comprehensive and reliable county socio-economic database;
 - (iii) quality assurance of statistical information;
 - (iv) collection and compilation of statistical information;
 - (v) analysis of statistical information;
 - (vi) publication and dissemination of statistical information for public use; and
 - (vii) co-ordination, monitoring and supervision of the county statistical system;
- (b) boundaries and fencing including—
 - (i) determination of property boundaries;
 - (ii) solving of property boundary disputes;
 - (iii) showing of property boundaries;
 - (iv) ensuring fencing and development of properties; and
 - (v) finalization of surveying of administrative boundaries within the counties; and
- (c) identification of the renewable energy sites for development, excluding identification and implementation of the rural electrification projects, management of the Rural Electrification Fund and development of isolated diesel stations, which shall be transferred within the transition period as per the Rural Electrification Authority schedules.

8. Village polytechnics.

9. Implementation of specific national government policies on natural resources and environmental conservation—

- (a) soil and water conservation—
 - (i) implementation of county specific water conservation and forestry policies through water resource users;
 - (ii) water pollution control; and
 - (iii) borehole site identification and drilling; and
- (b) forestry including farm forest extension services, forests and game reserves formerly managed by local authorities excluding forests managed by Kenya Forest Service, National Water Towers and private forests.

10. County public works and services—

- (a) public works including designing, documentation, post contracting, project management of construction and maintenance of public buildings and other infrastructural services. Construction of footbridges; and
- (a) water and sanitation services including rural water and sanitation services, provision of water and sanitation service in small and medium towns without formal service providers, water harvesting (specific to counties), urban water and sanitation services with formal service provision including water, sanitation and sewerage companies, excluding Water Service Boards, Water Services Regulatory Board and Water Resources Management Authority.

11. Ensuring and co-ordinating the participation of communities and locations in governance at the local level and assisting communities and locations to develop the administrative capacity for the effective exercise of the functions and powers and participation in governance at the local level.

TRANSFER OF FUNCTIONS, 2013

[L.N. 159/2013.]

Pursuant to section 15 of the Sixth Schedule to the Constitution as read with sections 23 and 24 of the Transition to Devolved Governments Act, 2012 and further to the Legal Notice No. 16 of 2013, the Transition Authority approves the transfer of the functions specified in the Schedule to the county government of Nyamira, with effect from the 9th August, 2013:

Provided that the responsibility for the personnel emoluments related to the discharge of the devolved functions shall be managed by the national government for a period not exceeding six months or as shall be agreed upon between the two levels of government, whichever comes first.

SCHEDULE**1. Agriculture—**

- (a) crop husbandry including—
- (i) provision of agricultural extension services or farmer advisory services;
 - (ii) development and implementation of programmes in the agricultural sector to address food security in the county;
 - (iii) construction of grain storage structures;
 - (iv) enforcement of regulations and standards on quality control of inputs, produce and products from the agricultural sector;
 - (v) availing farm inputs such as certified seeds, fertilizer and other planting materials, such as cassava cutting or potato vines, to farmers;
 - (vi) development of programmes to intervene on soil and water management and conservation of the natural resource base for agriculture;
 - (vii) promotion of market access for agricultural products;
 - (viii) provision of infrastructure to promote agricultural production and marketing as well as agro-processing and value chains;
 - (ix) enhancing accessibility to affordable credit and insurance packages for farmers;
 - (x) management of agricultural training centers and agricultural mechanization stations:

Provided that the management of agricultural training centers and agricultural mechanization station shall be transferred after six months, to enable the requisite structures and mechanisms to be put in place by the Transition Authority;
 - (xi) land development services such as construction of water pans for horticultural production for food security;
 - (xii) formulation and review of county specific policies;
 - (xiii) developing and enacting legislation and regulatory frameworks for county specific policies; and
 - (xiv) implementation of national and county specific policies and legislation;
- (b) animal husbandry including livestock extension services to deliver husbandry technologies to livestock farmers and pastoralists, through farm demonstrations, farmer field days, farmer field schools, agricultural shows, individual farm visits, farmer training courses (residential and non-residential), barazas, farmer tours, posters, brochures or leaflets;

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- (c) plant and animal disease control including carrying out, co-ordinating and overseeing—
 - (i) communal dipping and spraying operations and vaccination campaigns; and
 - (ii) control of plant pests, diseases and noxious weeds that are specific to counties; and
- (d) fisheries including—
 - (i) fisheries extension services;
 - (ii) upscaling seaweed, fin fish and crustacean culture;
 - (iii) county fish seed bulking units;
 - (iv) on-farm trials;
 - (v) fish health certification;
 - (vi) development and maintenance of fish landing stations and jetties, fish auction centers and fish landing fees;
 - (vii) demarcation of all fish breeding areas and fencing of fish landing stations;
 - (viii) fish trade licensing and fish movement permits;
 - (ix) collection of fish production statistics;
 - (x) enforcement of fisheries regulations and compliance with management measures;
 - (xi) implementation of fisheries policy, fisheries management measures and regulation and limiting access to fishing;
 - (xii) fisheries monitoring, control and surveillance; and
 - (xiii) zonation for aquaculture-county specific disease control.

2. County health services—

- (a) county health facilities and pharmacies including—
 - (i) county health facilities including county and sub-county hospitals, rural health centres, dispensaries, rural health training and demonstration centres. Rehabilitation and maintenance of county health facilities including maintenance of vehicles, medical equipment and machinery. Inspection and licensing of medical premises including reporting;
 - (ii) county health pharmacies including specifications, quantification, storage, distribution, dispensing and rational use of medical commodities:

Provided that until alternative intergovernmental arrangements are made, all counties shall procure medical commodities from the Kenya Medical Supplies Authority except where a particular commodity required by a county government is not available at the Kenya Medical Supplies Authority;
- (b) ambulance services including emergency response and patient referral system;
- (c) promotion of primary health care including health education, health promotion, community health services, reproductive health, child health, tuberculosis, HIV, malaria, school health program, environmental health, maternal health care, immunization, disease surveillance, outreach services, referral, nutrition, occupational safety, food and water quality and safety, disease screening, hygiene and sanitation, disease prevention and control, ophthalmic services, clinical services, rehabilitation, mental health, laboratory services, oral health, disaster preparedness and disease outbreak services.

Planning and monitoring, health information system (data collection, collation, analysis and reporting), supportive supervision, patient and health facility records and inventories;

- (d) licensing and control of undertakings that sell food to the public including food safety and control;
- (e) veterinary services to carry out, co-ordinate and oversee veterinary services including clinical services, artificial insemination, and reproductive health management; but excluding regulation of the profession; and
- (f) enforcement of waste management policies, standards and regulations; in particular—
 - (i) refuse removal (garbage) including, provision of waste collection bins, segregation of waste at source, licensing of waste transportation;
 - (ii) refuse dumps including zoning waste operational areas, conducting environmental impact assessment for the siting of dumps, fencing of dumps, controlling fires, monitoring waste characteristics and monitoring of waste water from the dumpsite (leachate); and
 - (iii) solid waste disposal including enforcement of national waste management policies, standards and laws with respect to landfilling, incineration with energy recovery, compositing, recycling and operation of transfer stations.

3. Control of air pollution, noise pollution and other public nuisance including—

- (a) control of noise pollution and other public nuisances;
- (b) licensing for persons exceeding the permissible noise levels; and
- (c) noise mapping and action plan development,

excluding the implementation of nationally set ambient air quality standards.

4. Cultural services, public entertainment and public amenities—

- (a) county betting, casinos and other forms of gambling;
- (b) racing;
- (c) cinemas;
- (d) libraries excluding Kenya National Library Services; and
- (e) museums.

5. County transport including—

- (a) county roads including primary roads linking all sub-county headquarters and minor roads linking markets and administrative centers excluding roads being managed by Kenya Urban Roads Authority, Kenya Rural Roads Authority, Kenya Wildlife Service and Kenya Forest Service;
- (b) mechanical and transport equipment shall be retained by the national government for a period of six months and the Transition Authority shall during that period develop modalities of sharing the mechanical and transport equipment; and
- (c) public road transport on licensing of public service vehicles operations.

6. Trade development and regulation—

- (a) fair trading practices including—
 - (i) verification of weighing and measuring instruments;
 - (ii) inspection of weighing and measuring instruments and pre-packed goods;
 - (iii) investigation of complaints relating to unfair trade practices; and
 - (vi) prosecution of offences arising from unfair trade practices;

[Subsidiary]

- (b) co-operative societies—
 - (i) promotion of co-operative societies;
 - (ii) processing of application for registration;
 - (iii) inspections and investigations;
 - (iv) training needs assessment for co-operative movement;
 - (v) market information dissemination and advisory services;
 - (vi) banking inspections local Savings and Credit Co-operative Societies;
 - (vii) risk assessment in Savings and Credit Co-operative Societies;
 - (viii) investment advisory services;
 - (ix) co-ordination and monitoring of co-operative indemnity by co-operative leaders;
 - (x) promotion of co-operative ventures and innovations for local co-operatives;
 - (xi) carrying out certification audits;
 - (xii) carrying out continuous and compliance audits;
 - (xiii) co-operative advisory services;
 - (xiv) pre-co-operative education;
 - (xv) settlement of disputes (arbitration); and
 - (xvi) registration of co-operative societies audited accounts.

7. County planning and development—

- (a) statistical services including—
 - (i) custodian of official statistics in the county;
 - (ii) maintenance of a comprehensive and reliable county socio-economic database;
 - (iii) quality assurance of statistical information;
 - (iv) collection and compilation of statistical information;
 - (v) analysis of statistical information;
 - (vi) publication and dissemination of statistical information for public use; and
 - (vii) co-ordination, monitoring and supervision of the county statistical system;
- (b) boundaries and fencing including—
 - (i) determination of property boundaries;
 - (ii) solving of property boundary disputes;
 - (iii) showing of property boundaries;
 - (vi) ensuring fencing and development of properties; and
 - (v) finalization of surveying of administrative boundaries within the counties; and
- (c) identification of the renewable energy sites for development, excluding identification and implementation of the rural electrification projects, management of the Rural Electrification Fund and development of isolated diesel stations, which shall be transferred within the transition period as per the Rural Electrification Authority schedules.

8. Village polytechnics.**9. Implementation of specific national government policies on natural resources and environmental conservation—**

- (a) soil and water conservation—
 - (i) implementation of county specific water conservation and forestry policies through water resource users;
 - (ii) water pollution control; and
 - (iii) borehole site identification and drilling; and
- (b) forestry including farm forest extension services, forests and game reserves formerly managed by local authorities excluding forests managed by Kenya Forest Service, National Water Towers and private forests.

10. County public works and services—

- (a) public works including designing, documentation, post contracting, project management of construction and maintenance of public buildings and other infrastructural services. Construction of footbridges; and
- (b) water and sanitation services including rural water and sanitation services, provision of water and sanitation service in small and medium towns without formal service providers, water harvesting (specific to counties), urban water and sanitation services with formal service provision including water, sanitation and sewerage companies, excluding Water Service Boards, Water Services Regulatory Board and Water Resources Management Authority.

11. Ensuring and co-ordinating the participation of communities and locations in governance at the local level and assisting communities and locations to develop the administrative capacity for the effective exercise of the functions and powers and participation in governance at the local level.

TRANSFER OF FUNCTIONS, 2013

[L.N. 160/2013.]

Pursuant to section 15 of the Sixth Schedule to the Constitution as read with sections 23 and 24 of the Transition to Devolved Governments Act, 2012 and further to the Legal Notice No. 16 of 2013, the Transition Authority approves the transfer of the functions specified in the Schedule to the county government of Siaya, with effect from the 9th August, 2013:

Provided that the responsibility for the personnel emoluments related to the discharge of the devolved functions shall be managed by the national government for a period not exceeding six months or as shall be agreed upon between the two levels of government, whichever comes first.

SCHEDULE**1. Agriculture—**

- (a) crop husbandry including—
- (i) provision of agricultural extension services or farmer advisory services;
 - (ii) development and implementation of programmes in the agricultural sector to address food security in the county;
 - (iii) construction of grain storage structures;
 - (iv) enforcement of regulations and standards on quality control of inputs, produce and products from the agricultural sector;
 - (v) availing farm inputs such as certified seeds, fertilizer and other planting materials, such as cassava cutting or potato vines, to farmers;
 - (vi) development of programmes to intervene on soil and water management and conservation of the natural resource base for agriculture;
 - (vii) promotion of market access for agricultural products;
 - (viii) provision of infrastructure to promote agricultural production and marketing as well as agro-processing and value chains;
 - (ix) enhancing accessibility to affordable credit and insurance packages for farmers;
 - (x) management of agricultural training centers and agricultural mechanization stations:

Provided that the management of agricultural training centers and agricultural mechanization station shall be transferred after six months, to enable the requisite structures and mechanisms to be put in place by the Transition Authority;
 - (xi) land development services such as construction of water pans for horticultural production for food security;
 - (xii) formulation and review of county specific policies;
 - (xiii) developing and enacting legislation and regulatory frameworks for county specific policies; and
 - (xiv) implementation of national and county specific policies and legislation;
- (b) animal husbandry including livestock extension services to deliver husbandry technologies to livestock farmers and pastoralists, through farm demonstrations, farmer field days, farmer field schools, agricultural shows, individual farm visits, farmer training courses (residential and non-residential), barazas, farmer tours, posters, brochures or leaflets;

[Subsidiary]

- (c) plant and animal disease control including carrying out, co-ordinating and overseeing—
 - (i) communal dipping and spraying operations and vaccination campaigns; and
 - (ii) control of plant pests, diseases and noxious weeds that are specific to counties; and
- (d) fisheries including—
 - (i) fisheries extension services;
 - (ii) upscaling seaweed, fin fish and crustacean culture;
 - (iii) county fish seed bulking units;
 - (vi) maintenance of county fish auction centres;
 - (v) on-farm trials;
 - (vi) fish health certification;
 - (vii) development and maintenance of fish landing stations and jetties, fish auction centers and fish landing fees;
 - (viii) demarcation of all fish breeding areas and fencing of fish landing stations;
 - (ix) fish trade licensing and fish movement permits;
 - (x) collection of fish production statistics;
 - (xi) enforcement of fisheries regulations and compliance with management measures;
 - (xii) implementation of fisheries policy, fisheries management measures and regulation and limiting access to fishing;
 - (xiii) fisheries monitoring, control and surveillance; and
 - (xiv) zonation for aquaculture-county specific disease control.

2. County health services—

- (a) county health facilities and pharmacies including—
 - (i) county health facilities including county and sub-county hospitals, rural health centres, dispensaries, rural health training and demonstration centres. Rehabilitation and maintenance of county health facilities including maintenance of vehicles, medical equipment and machinery. Inspection and licensing of medical premises including reporting;
 - (ii) county health pharmacies including specifications, quantification, storage, distribution, dispensing and rational use of medical commodities:

Provided that until alternative intergovernmental arrangements are made, all counties shall procure medical commodities from the Kenya Medical Supplies Authority except where a particular commodity required by a county government is not available at the Kenya Medical Supplies Authority;
- (b) ambulance services including emergency response and patient referral system;
- (c) promotion of primary health care including health education, health promotion, community health services, reproductive health, child health, tuberculosis, HIV, malaria, school health program, environmental health, maternal health care, immunization, disease surveillance, outreach services, referral, nutrition, occupational safety, food and water quality and safety, disease screening, hygiene and sanitation, disease prevention and control, ophthalmic services, clinical services, rehabilitation, mental health, laboratory services, oral health, disaster preparedness and disease outbreak services.

Planning and monitoring, health information system (data collection, collation, analysis and reporting), supportive supervision, patient and health facility records and inventories;

- (d) licensing and control of undertakings that sell food to the public including food safety and control;
- (e) veterinary services to carry out, co-ordinate and oversee veterinary services including clinical services, artificial insemination, and reproductive health management; but excluding regulation of the profession; and
- (f) enforcement of waste management policies, standards and regulations; in particular—
 - (i) refuse removal (garbage) including, provision of waste collection bins, segregation of waste at source, licensing of waste transportation;
 - (ii) refuse dumps including zoning waste operational areas, conducting environmental impact assessment for the siting of dumps, fencing of dumps, controlling fires, monitoring waste characteristics and monitoring of waste water from the dumpsite (leachate); and
 - (iii) solid waste disposal including enforcement of national waste management policies, standards and laws with respect to landfilling, incineration with energy recovery, compositing, recycling and operation of transfer stations.

3. Control of air pollution, noise pollution and other public nuisance including—

- (a) control of noise pollution and other public nuisances;
- (b) licensing for persons exceeding the permissible noise levels; and
- (c) noise mapping and action plan development,

excluding the implementation of nationally set ambient air quality standards.

4. Cultural services, public entertainment and public amenities—

- (a) county betting, casinos and other forms of gambling;
- (b) racing;
- (c) cinemas;
- (d) libraries excluding Kenya National Library Services; and
- (e) museums.

5. County transport including—

- (a) county roads including primary roads linking all sub-county headquarters and minor roads linking markets and administrative centers excluding roads being managed by Kenya Urban Roads Authority, Kenya Rural Roads Authority, Kenya Wildlife Service and Kenya Forest Service;
- (b) mechanical and transport equipment shall be retained by the national government for a period of six months and the Transition Authority shall during that period develop modalities of sharing the mechanical and transport equipment;
- (c) public road transport on licensing of public service vehicles operations.

6. Trade development and regulation—

- (a) fair trading practices including—
 - (i) verification of weighing and measuring instruments;
 - (ii) inspection of weighing and measuring instruments and pre-packed goods;
 - (iii) investigation of complaints relating to unfair trade practices; and
 - (iv) prosecution of offences arising from unfair trade practices;

[Subsidiary]

- (b) co-operative societies—
 - (i) promotion of co-operative societies;
 - (ii) processing of application for registration;
 - (iii) inspections and investigations;
 - (iv) training needs assessment for co-operative movement;
 - (v) market information dissemination and advisory services;
 - (vi) banking inspections local Savings and Credit Co-operative Societies;
 - (vii) risk assessment in Savings and Credit Co-operative Societies;
 - (viii) investment advisory services;
 - (ix) co-ordination and monitoring of co-operative indemnity by co-operative leaders;
 - (x) promotion of co-operative ventures and innovations for local co-operatives;
 - (xi) carrying out certification audits;
 - (xii) carrying out continuous and compliance audits;
 - (xiii) co-operative advisory services;
 - (xiv) pre-co-operative education;
 - (xv) settlement of disputes (arbitration); and
 - (xvi) registration of co-operative societies audited accounts.

7. County planning and development—

- (a) statistical services including—
 - (i) custodian of official statistics in the county;
 - (ii) maintenance of a comprehensive and reliable county socio-economic database;
 - (iii) quality assurance of statistical information;
 - (iv) collection and compilation of statistical information;
 - (v) analysis of statistical information;
 - (vi) publication and dissemination of statistical information for public use; and
 - (vii) co-ordination, monitoring and supervision of the county statistical system;
- (b) boundaries and fencing including—
 - (i) determination of property boundaries;
 - (ii) solving of property boundary disputes;
 - (iii) showing of property boundaries;
 - (iv) ensuring fencing and development of properties; and
 - (v) finalization of surveying of administrative boundaries within the counties; and
- (c) identification of the renewable energy sites for development, excluding identification and implementation of the rural electrification projects, management of the Rural Electrification Fund and development of isolated diesel stations, which shall be transferred within the transition period as per the Rural Electrification Authority schedules.

8. Village polytechnics.

- 9.** Implementation of specific national government policies on natural resources and environmental conservation—
- (a) soil and water conservation—
 - (i) implementation of county specific water conservation and forestry policies through water resource users;
 - (ii) water pollution control; and
 - (iii) borehole site identification and drilling; and
 - (b) forestry including farm forest extension services, forests and game reserves formerly managed by local authorities excluding forests managed by Kenya Forest Service, National Water Towers and private forests.
- 10.** County public works and services—
- (b) public works including designing, documentation, post contracting, project management of construction and maintenance of public buildings and other infrastructural services. Construction of footbridges; and
 - (b) water and sanitation services including rural water and sanitation services, provision of water and sanitation service in small and medium towns without formal service providers, water harvesting (specific to counties), urban water and sanitation services with formal service provision including water, sanitation and sewerage companies, excluding Water Service Boards, Water Services Regulatory Board and Water Resources Management Authority.
- 11.** Ensuring and co-ordinating the participation of communities and locations in governance at the local level and assisting communities and locations to develop the administrative capacity for the effective exercise of the functions and powers and participation in governance at the local level.
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TRANSFER OF FUNCTIONS, 2013

[L.N. 161/2013.]

Pursuant to section 15 of the Sixth Schedule to the Constitution as read with sections 23 and 24 of the Transition to Devolved Governments Act, 2012 and further to the Legal Notice No. 16 of 2013, the Transition Authority approves the transfer of the functions specified in the Schedule to the county government of Vihiga, with effect from the 9th August, 2013:

Provided that the responsibility for the personnel emoluments related to the discharge of the devolved functions shall be managed by the national government for a period not exceeding six months or as shall be agreed upon between the two levels of government, whichever comes first.

SCHEDULE
1. Agriculture—

- (a) crop husbandry including—
- (i) provision of agricultural extension services or farmer advisory services;
 - (ii) development and implementation of programmes in the agricultural sector to address food security in the county;
 - (iii) construction of grain storage structures;
 - (vi) enforcement of regulations and standards on quality control of inputs, produce and products from the agricultural sector;
 - (v) availing farm inputs such as certified seeds, fertilizer and other planting materials, such as cassava cutting or potato vines, to farmers;
 - (vi) development of programmes to intervene on soil and water management and conservation of the natural resource base for agriculture;
 - (vii) promotion of market access for agricultural products;
 - (viii) provision of infrastructure to promote agricultural production and marketing as well as agro-processing and value chains;
 - (ix) enhancing accessibility to affordable credit and insurance packages for farmers;
 - (x) management of agricultural training centers and agricultural mechanization stations:

Provided that the management of agricultural training centers and agricultural mechanization station shall be transferred after six months, to enable the requisite structures and mechanisms to be put in place by the Transition Authority;
 - (xi) land development services such as construction of water pans for horticultural production for food security;
 - (xii) formulation and review of county specific policies;
 - (xiii) developing and enacting legislation and regulatory frameworks for county specific policies; and
 - (xiv) implementation of national and county specific policies and legislation;
- (b) animal husbandry including livestock extension services to deliver husbandry technologies to livestock farmers and pastoralists, through farm demonstrations, farmer field days, farmer field schools, agricultural shows, individual farm visits, farmer training courses (residential and non-residential), barazas, farmer tours, posters, brochures or leaflets;

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[Subsidiary]

- (c) plant and animal disease control including carrying out, co-ordinating and overseeing—
 - (i) communal dipping and spraying operations and vaccination campaigns; and
 - (ii) control of plant pests, diseases and noxious weeds that are specific to counties; and
- (d) fisheries including—
 - (i) fisheries extension services;
 - (ii) upscaling seaweed, fin fish and crustacean culture;
 - (iii) county fish seed bulking units;
 - (iv) on-farm trials;
 - (v) fish health certification;
 - (vi) development and maintenance of fish landing stations and jetties, fish auction centers and fish landing fees;
 - (vii) demarcation of all fish breeding areas and fencing of fish landing stations;
 - (viii) fish trade licensing and fish movement permits;
 - (ix) collection of fish production statistics;
 - (x) enforcement of fisheries regulations and compliance with management measures;
 - (xi) implementation of fisheries policy, fisheries management measures and regulation and limiting access to fishing;
 - (xii) fisheries monitoring, control and surveillance; and
 - (xiii) zonation for aquaculture-county specific disease control.

2. County health services—

- (a) county health facilities and pharmacies including—
 - (i) county health facilities including county and sub-county hospitals, rural health centres, dispensaries, rural health training and demonstration centres. Rehabilitation and maintenance of county health facilities including maintenance of vehicles, medical equipment and machinery. Inspection and licensing of medical premises including reporting;
 - (ii) county health pharmacies including specifications, quantification, storage, distribution, dispensing and rational use of medical commodities:

Provided that until alternative intergovernmental arrangements are made, all counties shall procure medical commodities from the Kenya Medical Supplies Authority except where a particular commodity required by a county government is not available at the Kenya Medical Supplies Authority;
- (b) ambulance services including emergency response and patient referral system;
- (c) promotion of primary health care including health education, health promotion, community health services, reproductive health, child health, tuberculosis, HIV, malaria, school health program, environmental health, maternal health care, immunization, disease surveillance, outreach services, referral, nutrition, occupational safety, food and water quality and safety, disease screening, hygiene and sanitation, disease prevention and control, ophthalmic services, clinical services, rehabilitation, mental health, laboratory services, oral health, disaster preparedness and disease outbreak services.

Planning and monitoring, health information system (data collection, collation, analysis and reporting), supportive supervision, patient and health facility records and inventories;

- (d) licensing and control of undertakings that sell food to the public including food safety and control;
- (e) veterinary services to carry out, co-ordinate and oversee veterinary services including clinical services, artificial insemination, and reproductive health management; but excluding regulation of the profession; and
- (f) enforcement of waste management policies, standards and regulations; in particular—
 - (i) refuse removal (garbage) including, provision of waste collection bins, segregation of waste at source, licensing of waste transportation;
 - (ii) refuse dumps including zoning waste operational areas, conducting environmental impact assessment for the siting of dumps, fencing of dumps, controlling fires, monitoring waste characteristics and monitoring of waste water from the dumpsite (leachate); and
 - (iii) solid waste disposal including enforcement of national waste management policies, standards and laws with respect to landfilling, incineration with energy recovery, compositing, recycling and operation of transfer stations.

3. Control of air pollution, noise pollution and other public nuisance including—

- (a) control of noise pollution and other public nuisances;
- (b) licensing for persons exceeding the permissible noise levels; and
- (c) noise mapping and action plan development,

excluding the implementation of nationally set ambient air quality standards.

4. Cultural services, public entertainment and public amenities—

- (a) county betting, casinos and other forms of gambling;
- (b) racing;
- (c) cinemas;
- (d) libraries excluding Kenya National Library Services; and
- (e) museums.

5. County transport including—

- (a) county roads including primary roads linking all sub-county headquarters and minor roads linking markets and administrative centers excluding roads being managed by Kenya Urban Roads Authority, Kenya Rural Roads Authority, Kenya Wildlife Service and Kenya Forest Service;
- (b) mechanical and transport equipment shall be retained by the national government for a period of six months and the Transition Authority shall during that period develop modalities of sharing the mechanical and transport equipment; and
- (d) public road transport on licensing of public service vehicles operations.

6. Trade development and regulation—

- (a) fair trading practices including—
 - (i) verification of weighing and measuring instruments;
 - (ii) inspection of weighing and measuring instruments and pre-packed goods;
 - (iii) investigation of complaints relating to unfair trade practices; and
 - (iv) prosecution of offences arising from unfair trade practices;

[Subsidiary]

- (b) co-operative societies—
 - (i) promotion of co-operative societies;
 - (ii) processing of application for registration;
 - (iii) inspections and investigations;
 - (iv) training needs assessment for co-operative movement;
 - (v) market information dissemination and advisory services;
 - (vi) banking inspections local Savings and Credit Co-operative Societies;
 - (vii) risk assessment in Savings and Credit Co-operative Societies;
 - (viii) investment advisory services;
 - (ix) co-ordination and monitoring of co-operative indemnity by co-operative leaders;
 - (x) promotion of co-operative ventures and innovations for local co-operatives;
 - (xi) carrying out certification audits;
 - (xii) carrying out continuous and compliance audits;
 - (xiii) co-operative advisory services;
 - (xiv) pre-co-operative education;
 - (xv) settlement of disputes (arbitration); and
 - (xvi) registration of co-operative societies audited accounts.

7. County planning and development—

- (a) statistical services including—
 - (i) custodian of official statistics in the county;
 - (ii) maintenance of a comprehensive and reliable county socio-economic database;
 - (iii) quality assurance of statistical information;
 - (iv) collection and compilation of statistical information;
 - (v) analysis of statistical information;
 - (vi) publication and dissemination of statistical information for public use; and
 - (vii) co-ordination, monitoring and supervision of the county statistical system;
- (b) boundaries and fencing including—
 - (i) determination of property boundaries;
 - (ii) solving of property boundary disputes;
 - (iii) showing of property boundaries;
 - (vi) ensuring fencing and development of properties; and
 - (v) finalization of surveying of administrative boundaries within the counties; and
- (c) identification of the renewable energy sites for development, excluding identification and implementation of the rural electrification projects, management of the Rural Electrification Fund and development of isolated diesel stations, which shall be transferred within the transition period as per the Rural Electrification Authority schedules.

8. Village polytechnics.

9. Implementation of specific national government policies on natural resources and environmental conservation—

- (a) soil and water conservation—
 - (i) implementation of county specific water conservation and forestry policies through water resource users;
 - (ii) water pollution control; and
 - (iii) borehole site identification and drilling; and
- (b) forestry including farm forest extension services, forests and game reserves formerly managed by local authorities excluding forests managed by Kenya Forest Service, National Water Towers and private forests.

10. County public works and services—

- (a) public works including designing, documentation, post contracting, project management of construction and maintenance of public buildings and other infrastructural services. Construction of footbridges; and
- (b) water and sanitation services including rural water and sanitation services, provision of water and sanitation service in small and medium towns without formal service providers, water harvesting (specific to counties), urban water and sanitation services with formal service provision including water, sanitation and sewerage companies, excluding Water Service Boards, Water Services Regulatory Board and Water Resources Management Authority.

11. Ensuring and co-ordinating the participation of communities and locations in governance at the local level and assisting communities and locations to develop the administrative capacity for the effective exercise of the functions and powers and participation in governance at the local level.

TRANSFER OF FUNCTIONS, 2013

[L.N. 162/2013.]

Pursuant to section 15 of the Sixth Schedule to the Constitution as read with sections 23 and 24 of the Transition to Devolved Governments Act, 2012 and further to the Legal Notice No. 16 of 2013, the Transition Authority approves the transfer of the functions specified in the Schedule to the county government of Wajir, with effect from the 9th August, 2013:

Provided that the responsibility for the personnel emoluments related to the discharge of the devolved functions shall be managed by the national government for a period not exceeding six months or as shall be agreed upon between the two levels of government, whichever comes first.

SCHEDULE**1. Agriculture—**

- (a) crop husbandry including—
- (i) provision of agricultural extension services or farmer advisory services;
 - (ii) development and implementation of programmes in the agricultural sector to address food security in the county;
 - (iii) construction of grain storage structures;
 - (iv) enforcement of regulations and standards on quality control of inputs, produce and products from the agricultural sector;
 - (v) availing farm inputs such as certified seeds, fertilizer and other planting materials, such as cassava cutting or potato vines, to farmers;
 - (vi) development of programmes to intervene on soil and water management and conservation of the natural resource base for agriculture;
 - (vii) promotion of market access for agricultural products;
 - (viii) provision of infrastructure to promote agricultural production and marketing as well as agro-processing and value chains;
 - (ix) enhancing accessibility to affordable credit and insurance packages for farmers;
 - (x) management of agricultural training centers and agricultural mechanization stations:

Provided that the management of agricultural training centers and agricultural mechanization station shall be transferred after six months, to enable the requisite structures and mechanisms to be put in place by the Transition Authority;
 - (xi) land development services such as construction of water pans for horticultural production for food security;
 - (xii) formulation and review of county specific policies;
 - (xiii) developing and enacting legislation and regulatory frameworks for county specific policies; and
 - (xiv) implementation of national and county specific policies and legislation;
- (b) animal husbandry including livestock extension services to deliver husbandry technologies to livestock farmers and pastoralists, through farm demonstrations, farmer field days, farmer field schools, agricultural shows, individual farm visits, farmer training courses (residential and non-residential), barazas, farmer tours, posters, brochures or leaflets;

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[Subsidiary]

- (c) plant and animal disease control including carrying out, co-ordinating and overseeing—
 - (i) communal dipping and spraying operations and vaccination campaigns; and
 - (ii) control of plant pests, diseases and noxious weeds that are specific to counties; and
- (d) fisheries including—
 - (i) fisheries extension services;
 - (ii) upscaling seaweed, fin fish and crustacean culture;
 - (iii) county fish seed bulking units;
 - (iv) on-farm trials;
 - (v) fish health certification;
 - (vi) development and maintenance of fish landing stations and jetties, fish auction centers and fish landing fees;
 - (vii) demarcation of all fish breeding areas and fencing of fish landing stations;
 - (viii) fish trade licensing and fish movement permits;
 - (ix) collection of fish production statistics;
 - (x) enforcement of fisheries regulations and compliance with management measures;
 - (xi) implementation of fisheries policy, fisheries management measures and regulation and limiting access to fishing;
 - (xii) fisheries monitoring, control and surveillance; and
 - (xiii) zonation for aquaculture-county specific disease control.

2. County health services—

- (a) county health facilities and pharmacies including—
 - (i) county health facilities including county and sub-county hospitals, rural health centres, dispensaries, rural health training and demonstration centres. Rehabilitation and maintenance of county health facilities including maintenance of vehicles, medical equipment and machinery. Inspection and licensing of medical premises including reporting;
 - (ii) county health pharmacies including specifications, quantification, storage, distribution, dispensing and rational use of medical commodities:

Provided that until alternative intergovernmental arrangements are made, all counties shall procure medical commodities from the Kenya Medical Supplies Authority except where a particular commodity required by a county government is not available at the Kenya Medical Supplies Authority;
- (b) ambulance services including emergency response and patient referral system;
- (c) promotion of primary health care including health education, health promotion, community health services, reproductive health, child health, tuberculosis, HIV, malaria, school health program, environmental health, maternal health care, immunization, disease surveillance, outreach services, referral, nutrition, occupational safety, food and water quality and safety, disease screening, hygiene and sanitation, disease prevention and control, ophthalmic services, clinical services, rehabilitation, mental health, laboratory services, oral health, disaster preparedness and disease outbreak services.

Planning and monitoring, health information system (data collection, collation, analysis and reporting), supportive supervision, patient and health facility records and inventories;

- (d) licensing and control of undertakings that sell food to the public including food safety and control;
- (e) veterinary services to carry out, co-ordinate and oversee veterinary services including clinical services, artificial insemination, and reproductive health management; but excluding regulation of the profession; and
- (f) enforcement of waste management policies, standards and regulations; in particular—
 - (i) refuse removal (garbage) including, provision of waste collection bins, segregation of waste at source, licensing of waste transportation;
 - (ii) refuse dumps including zoning waste operational areas, conducting environmental impact assessment for the siting of dumps, fencing of dumps, controlling fires, monitoring waste characteristics and monitoring of waste water from the dumpsite (leachate); and
 - (iii) solid waste disposal including enforcement of national waste management policies, standards and laws with respect to landfilling, incineration with energy recovery, compositing, recycling and operation of transfer stations.

3. Control of air pollution, noise pollution and other public nuisance including—

- (a) control of noise pollution and other public nuisances;
- (b) licensing for persons exceeding the permissible noise levels; and
- (c) noise mapping and action plan development,

excluding the implementation of nationally set ambient air quality standards.

4. Cultural services, public entertainment and public amenities—

- (a) county betting, casinos and other forms of gambling;
- (b) racing;
- (c) cinemas;
- (d) libraries excluding Kenya National Library Services; and
- (e) museums.

5. County transport including—

- (a) county roads including primary roads linking all sub-county headquarters and minor roads linking markets and administrative centers excluding roads being managed by Kenya Urban Roads Authority, Kenya Rural Roads Authority, Kenya Wildlife Service and Kenya Forest Service;
- (b) mechanical and transport equipment shall be retained by the national government for a period of six months and the Transition Authority shall during that period develop modalities of sharing the mechanical and transport equipment; and
- (c) public road transport on licensing of public service vehicles operations.

6. Trade development and regulation—

- (a) fair trading practices including—
 - (i) verification of weighing and measuring instruments;
 - (ii) inspection of weighing and measuring instruments and pre-packed goods;
 - (iii) investigation of complaints relating to unfair trade practices; and
 - (iv) prosecution of offences arising from unfair trade practices;

[Subsidiary]

- (b) co-operative societies—
 - (i) promotion of co-operative societies;
 - (ii) processing of application for registration;
 - (iii) inspections and investigations;
 - (vi) training needs assessment for co-operative movement;
 - (v) market information dissemination and advisory services;
 - (vi) banking inspections local Savings and Credit Co-operative Societies;
 - (vii) risk assessment in Savings and Credit Co-operative Societies;
 - (viii) investment advisory services;
 - (ix) co-ordination and monitoring of co-operative indemnity by co-operative leaders;
 - (x) promotion of co-operative ventures and innovations for local co-operatives;
 - (xi) carrying out certification audits;
 - (xii) carrying out continuous and compliance audits;
 - (xiii) co-operative advisory services;
 - (xiv) pre-co-operative education;
 - (xv) settlement of disputes (arbitration); and
 - (xvi) registration of co-operative societies audited accounts.

7. County planning and development—

- (a) statistical services including—
 - (i) custodian of official statistics in the county;
 - (ii) maintenance of a comprehensive and reliable county socio-economic database;
 - (iii) quality assurance of statistical information;
 - (iv) collection and compilation of statistical information;
 - (v) analysis of statistical information;
 - (vi) publication and dissemination of statistical information for public use; and
 - (vii) co-ordination, monitoring and supervision of the county statistical system;
- (b) boundaries and fencing including—
 - (i) determination of property boundaries;
 - (ii) solving of property boundary disputes;
 - (iii) showing of property boundaries;
 - (iv) ensuring fencing and development of properties; and
 - (v) finalization of surveying of administrative boundaries within the counties; and
- (c) identification of the renewable energy sites for development, excluding identification and implementation of the rural electrification projects, management of the Rural Electrification Fund and development of isolated diesel stations, which shall be transferred within the transition period as per the Rural Electrification Authority schedules.

8. Village polytechnics.

9. Implementation of specific national government policies on natural resources and environmental conservation—

- (a) soil and water conservation—
 - (i) implementation of county specific water conservation and forestry policies through water resource users;
 - (ii) water pollution control; and
 - (iii) borehole site identification and drilling; and
- (b) forestry including farm forest extension services, forests and game reserves formerly managed by local authorities excluding forests managed by Kenya Forest Service, National Water Towers and private forests.

10. County public works and services—

- (a) public works including designing, documentation, post contracting, project management of construction and maintenance of public buildings and other infrastructural services. Construction of footbridges; and
- (b) water and sanitation services including rural water and sanitation services, provision of water and sanitation service in small and medium towns without formal service providers, water harvesting (specific to counties), urban water and sanitation services with formal service provision including water, sanitation and sewerage companies, excluding Water Service Boards, Water Services Regulatory Board and Water Resources Management Authority.

11. Ensuring and co-ordinating the participation of communities and locations in governance at the local level and assisting communities and locations to develop the administrative capacity for the effective exercise of the functions and powers and participation in governance at the local level.

TRANSFER OF FUNCTIONS, 2013

[L.N. 163/2013.]

Pursuant to section 15 of the Sixth Schedule to the Constitution as read with sections 23 and 24 of the Transition to Devolved Governments Act, 2012 and further to the Legal Notice No. 16 of 2013, the Transition Authority approves the transfer of the functions specified in the Schedule to the county government of Kisumu, with effect from the 9th August, 2013:

Provided that the responsibility for the personnel emoluments related to the discharge of the devolved functions shall be managed by the national government for a period not exceeding six months or as shall be agreed upon between the two levels of government, whichever comes first.

Legal Notice No. 130 of 2013 is revoked.

SCHEDULE
1. Agriculture—

- (a) crop husbandry including—
- (i) provision of agricultural extension services or farmer advisory services;
 - (ii) development and implementation of programmes in the agricultural sector to address food security in the county;
 - (iii) construction of grain storage structures;
 - (iv) enforcement of regulations and standards on quality control of inputs, produce and products from the agricultural sector;
 - (v) availing farm inputs such as certified seeds, fertilizer and other planting materials, such as cassava cutting or potato vines, to farmers;
 - (vi) development of programmes to intervene on soil and water management and conservation of the natural resource base for agriculture;
 - (vii) promotion of market access for agricultural products;
 - (viii) provision of infrastructure to promote agricultural production and marketing as well as agro-processing and value chains;
 - (ix) enhancing accessibility to affordable credit and insurance packages for farmers;
 - (x) management of agricultural training centers and agricultural mechanization stations:

Provided that the management of agricultural training centers and agricultural mechanization station shall be transferred after six months, to enable the requisite structures and mechanisms to be put in place by the Transition Authority;
 - (xi) land development services such as construction of water pans for horticultural production for food security;
 - (xii) formulation and review of county specific policies;
 - (xiii) developing and enacting legislation and regulatory frameworks for county specific policies; and
 - (xiv) implementation of national and county specific policies and legislation;
- (b) animal husbandry including livestock extension services to deliver husbandry technologies to livestock farmers and pastoralists, through farm demonstrations, farmer field days, farmer field schools, agricultural shows,

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individual farm visits, farmer training courses (residential and non-residential), barazas, farmer tours, posters, brochures or leaflets;

- (c) plant and animal disease control including carrying out, co-ordinating and overseeing—
 - (i) communal dipping and spraying operations and vaccination campaigns; and
 - (ii) control of plant pests, diseases and noxious weeds that are specific to counties; and
- (d) fisheries including—
 - (i) fisheries extension services;
 - (ii) upscaling seaweed, fin fish and crustacean culture;
 - (iii) county fish seed bulking units;
 - (iv) maintenance of county fish auction centres;
 - (v) on-farm trials;
 - (vi) fish health certification;
 - (vii) development and maintenance of fish landing stations and jetties, fish auction centers and fish landing fees;
 - (viii) demarcation of all fish breeding areas and fencing of fish landing stations;
 - (ix) fish trade licensing and fish movement permits;
 - (x) collection of fish production statistics;
 - (xi) enforcement of fisheries regulations and compliance with management measures;
 - (xii) implementation of fisheries policy, fisheries management measures and regulation and limiting access to fishing;
 - (xiii) fisheries monitoring, control and surveillance; and
 - (xiv) zonation for aquaculture-county specific disease control.

2. County health services—

- (a) county health facilities and pharmacies including—
 - (i) county health facilities including Jaramogi Oginga Odinga Hospital, county health services including county and sub-county hospitals, rural health centres, dispensaries, rural health training and demonstration centres. Rehabilitation and maintenance of county health facilities including maintenance of vehicles, medical equipment and machinery. Inspection and licensing of medical premises including reporting;
 - (ii) county health pharmacies including specifications, quantification, storage, distribution, dispensing and rational use of medical commodities:

Provided that until alternative intergovernmental arrangements are made, all counties shall procure medical commodities from the Kenya Medical Supplies Authority except where a particular commodity required by a county government is not available at the Kenya Medical Supplies Authority;
- (b) ambulance services including emergency response and patient referral system;
- (c) promotion of primary health care including health education, health promotion, community health services, reproductive health, child health, tuberculosis, HIV, malaria, school health program, environmental health, maternal health care, immunization, disease surveillance, outreach services, referral, nutrition, occupational safety, food and water quality and safety,

disease screening, hygiene and sanitation, disease prevention and control, ophthalmic services, clinical services, rehabilitation, mental health, laboratory services, oral health, disaster preparedness and disease outbreak services. Planning and monitoring, health information system (data collection, collation, analysis and reporting), supportive supervision, patient and health facility records and inventories;

- (d) licensing and control of undertakings that sell food to the public including food safety and control;
- (e) veterinary services to carry out, co-ordinate and oversee veterinary services including clinical services, artificial insemination, and reproductive health management; but excluding regulation of the profession; and
- (f) enforcement of waste management policies, standards and regulations; in particular—
 - (i) refuse removal (garbage) including, provision of waste collection bins, segregation of waste at source, licensing of waste transportation;
 - (ii) refuse dumps including zoning waste operational areas, conducting environmental impact assessment for the siting of dumps, fencing of dumps, controlling fires, monitoring waste characteristics and monitoring of waste water from the dumpsite (leachate); and
 - (iii) solid waste disposal including enforcement of national waste management policies, standards and laws with respect to landfilling, incineration with energy recovery, compositing, recycling and operation of transfer stations.

3. Control of air pollution, noise pollution and other public nuisance including—

- (a) control of noise pollution and other public nuisances;
- (b) licensing for persons exceeding the permissible noise levels; and
- (c) noise mapping and action plan development,

excluding the implementation of nationally set ambient air quality standards.

4. Cultural services, public entertainment and public amenities—

- (a) county betting, casinos and other forms of gambling;
- (b) racing;
- (c) cinemas;
- (e) libraries excluding Kenya National Library Services; and
- (f) museums.

5. County transport including—

- (a) county roads including primary roads linking all sub-county headquarters and minor roads linking markets and administrative centers excluding roads being managed by Kenya Urban Roads Authority, Kenya Rural Roads Authority, Kenya Wildlife Service and Kenya Forest Service;
- (b) mechanical and transport equipment shall be retained by the national government for a period of six months and the Transition Authority shall during that period develop modalities of sharing the mechanical and transport equipment;
- (c) public road transport on licensing of public service vehicles operations; and
- (d) ferries and harbors including development, maintenance and operations of ferries and harbors operating in inland lakes and waters.

6. Trade development and regulation—

- (a) fair trading practices including—
 - (i) verification of weighing and measuring instruments;

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- (ii) inspection of weighing and measuring instruments and pre-packed goods;
- (iii) investigation of complaints relating to unfair trade practices; and
- (iv) prosecution of offences arising from unfair trade practices;
- (b) co-operative societies—
 - (i) promotion of co-operative societies;
 - (ii) processing of application for registration;
 - (iii) inspections and investigations;
 - (iv) training needs assessment for co-operative movement;
 - (v) market information dissemination and advisory services;
 - (vi) banking inspections local Savings and Credit Co-operative Societies;
 - (vii) risk assessment in Savings and Credit Co-operative Societies;
 - (viii) investment advisory services;
 - (ix) co-ordination and monitoring of co-operative indemnity by co-operative leaders;
 - (x) promotion of co-operative ventures and innovations for local co-operatives;
 - (xi) carrying out certification audits;
 - (xii) carrying out continuous and compliance audits;
 - (xiii) co-operative advisory services;
 - (xiv) pre-co-operative education;
 - (xv) settlement of disputes (arbitration); and
 - (xvi) registration of co-operative societies audited accounts.

7. County planning and development—

- (a) statistical services including—
 - (i) custodian of official statistics in the county;
 - (ii) maintenance of a comprehensive and reliable county socio-economic database;
 - (iii) quality assurance of statistical information;
 - (iv) collection and compilation of statistical information;
 - (v) analysis of statistical information;
 - (vi) publication and dissemination of statistical information for public use; and
 - (vii) co-ordination, monitoring and supervision of the county statistical system;
- (b) boundaries and fencing including—
 - (i) determination of property boundaries;
 - (ii) solving of property boundary disputes;
 - (iii) showing of property boundaries;
 - (iv) ensuring fencing and development of properties; and
 - (v) finalization of surveying of administrative boundaries within the counties; and
- (c) identification of the renewable energy sites for development, excluding identification and implementation of the rural electrification projects, management of the Rural Electrification Fund and development of isolated diesel stations, which shall be transferred within the transition period as per the Rural Electrification Authority schedules.

8. Village polytechnics.
9. Implementation of specific national government policies on natural resources and environmental conservation—
- (a) soil and water conservation—
 - (i) implementation of county specific water conservation and forestry policies through water resource users;
 - (ii) water pollution control; and
 - (iii) borehole site identification and drilling; and
 - (b) forestry including farm forest extension services, forests and game reserves formerly managed by local authorities excluding forests managed by Kenya Forest Service, National Water Towers and private forests.
10. County public works and services—
- (a) public works including designing, documentation, post contracting, project management of construction and maintenance of public buildings and other infrastructural services. Construction of footbridges; and
 - (b) water and sanitation services including rural water and sanitation services, provision of water and sanitation service in small and medium towns without formal service providers, water harvesting (specific to counties), urban water and sanitation services with formal service provision including water, sanitation and sewerage companies, excluding Water Service Boards, Water Services Regulatory Board and Water Resources Management Authority.
11. Ensuring and co-ordinating the participation of communities and locations in governance at the local level and assisting communities and locations to develop the administrative capacity for the effective exercise of the functions and powers and participation in governance at the local level.
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TRANSFER OF FUNCTIONS, 2013

[L.N. 164/2013.]

Pursuant to section 15 of the Sixth Schedule to the Constitution as read with sections 23 and 24 of the Transition to Devolved Governments Act, 2012 and further to the Legal Notice No. 16 of 2013, the Transition Authority approves the transfer of the functions specified in the Schedule to the county government of Kitui, with effect from the 9th August, 2013:

Provided that the responsibility for the personnel emoluments related to the discharge of the devolved functions shall be managed by the national government for a period not exceeding six months or as shall be agreed upon between the two levels of government, whichever comes first.

SCHEDULE
1. Agriculture—

- (a) crop husbandry including—
- (i) provision of agricultural extension services or farmer advisory services;
 - (ii) development and implementation of programmes in the agricultural sector to address food security in the county;
 - (iii) construction of grain storage structures;
 - (iv) enforcement of regulations and standards on quality control of inputs, produce and products from the agricultural sector;
 - (v) availing farm inputs such as certified seeds, fertilizer and other planting materials, such as cassava cutting or potato vines, to farmers;
 - (vi) development of programmes to intervene on soil and water management and conservation of the natural resource base for agriculture;
 - (vii) promotion of market access for agricultural products;
 - (viii) provision of infrastructure to promote agricultural production and marketing as well as agro-processing and value chains;
 - (ix) enhancing accessibility to affordable credit and insurance packages for farmers;
 - (x) management of agricultural training centers and agricultural mechanization stations:

Provided that the management of agricultural training centers and agricultural mechanization station shall be transferred after six months, to enable the requisite structures and mechanisms to be put in place by the Transition Authority;
 - (xi) land development services such as construction of water pans for horticultural production for food security;
 - (xii) formulation and review of county specific policies;
 - (xiii) developing and enacting legislation and regulatory frameworks for county specific policies; and
 - (xiv) implementation of national and county specific policies and legislation;
- (b) animal husbandry including livestock extension services to deliver husbandry technologies to livestock farmers and pastoralists, through farm demonstrations, farmer field days, farmer field schools, agricultural shows, individual farm visits, farmer training courses (residential and non-residential), barazas, farmer tours, posters, brochures or leaflets;

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- (c) plant and animal disease control including carrying out, co-ordinating and overseeing—
 - (i) communal dipping and spraying operations and vaccination campaigns; and
 - (ii) control of plant pests, diseases and noxious weeds that are specific to counties; and
- (d) fisheries including—
 - (i) fisheries extension services;
 - (ii) upscaling seaweed, fin fish and crustacean culture;
 - (iii) county fish seed bulking units;
 - (iv) on-farm trials;
 - (v) fish health certification;
 - (vi) development and maintenance of fish landing stations and jetties, fish auction centers and fish landing fees;
 - (vii) demarcation of all fish breeding areas and fencing of fish landing stations;
 - (viii) fish trade licensing and fish movement permits;
 - (ix) collection of fish production statistics;
 - (x) enforcement of fisheries regulations and compliance with management measures;
 - (xi) implementation of fisheries policy, fisheries management measures and regulation and limiting access to fishing;
 - (xii) fisheries monitoring, control and surveillance; and
 - (xiii) zonation for aquaculture-county specific disease control.

2. County health services—

- (a) county health facilities and pharmacies including—
 - (i) county health facilities including county and sub-county hospitals, rural health centres, dispensaries, rural health training and demonstration centres. Rehabilitation and maintenance of county health facilities including maintenance of vehicles, medical equipment and machinery. Inspection and licensing of medical premises including reporting;
 - (ii) county health pharmacies including specifications, quantification, storage, distribution, dispensing and rational use of medical commodities:

Provided that until alternative intergovernmental arrangements are made, all counties shall procure medical commodities from the Kenya Medical Supplies Authority except where a particular commodity required by a county government is not available at the Kenya Medical Supplies Authority;
- (b) ambulance services including emergency response and patient referral system;
- (c) promotion of primary health care including health education, health promotion, community health services, reproductive health, child health, tuberculosis, HIV, malaria, school health program, environmental health, maternal health care, immunization, disease surveillance, outreach services, referral, nutrition, occupational safety, food and water quality and safety, disease screening, hygiene and sanitation, disease prevention and control, ophthalmic services, clinical services, rehabilitation, mental health, laboratory services, oral health, disaster preparedness and disease outbreak services.

Planning and monitoring, health information system (data collection, collation, analysis and reporting), supportive supervision, patient and health facility records and inventories;

- (d) licensing and control of undertakings that sell food to the public including food safety and control;
- (e) veterinary services to carry out, co-ordinate and oversee veterinary services including clinical services, artificial insemination, and reproductive health management; but excluding regulation of the profession; and
- (f) enforcement of waste management policies, standards and regulations; in particular—
 - (i) refuse removal (garbage) including, provision of waste collection bins, segregation of waste at source, licensing of waste transportation;
 - (ii) refuse dumps including zoning waste operational areas, conducting environmental impact assessment for the siting of dumps, fencing of dumps, controlling fires, monitoring waste characteristics and monitoring of waste water from the dumpsite (leachate); and
 - (iii) solid waste disposal including enforcement of national waste management policies, standards and laws with respect to landfilling, incineration with energy recovery, compositing, recycling and operation of transfer stations.

3. Control of air pollution, noise pollution and other public nuisance including—

- (a) control of noise pollution and other public nuisances;
- (b) licensing for persons exceeding the permissible noise levels; and
- (c) noise mapping and action plan development,

excluding the implementation of nationally set ambient air quality standards.

4. Cultural services, public entertainment and public amenities—

- (a) county betting, casinos and other forms of gambling;
- (b) racing;
- (c) cinemas;
- (d) libraries excluding Kenya National Library Services; and
- (e) museums.

5. County transport including—

- (a) county roads including primary roads linking all sub-county headquarters and minor roads linking markets and administrative centers excluding roads being managed by Kenya Urban Roads Authority, Kenya Rural Roads Authority, Kenya Wildlife Service and Kenya Forest Service;
- (b) mechanical and transport equipment shall be retained by the national government for a period of six months and the Transition Authority shall during that period develop modalities of sharing the mechanical and transport equipment; and
- (c) public road transport on licensing of public service vehicles operations.

6. Trade development and regulation—

- (a) fair trading practices including—
 - (i) verification of weighing and measuring instruments;
 - (ii) inspection of weighing and measuring instruments and pre-packed goods;
 - (iii) investigation of complaints relating to unfair trade practices; and
 - (iv) prosecution of offences arising from unfair trade practices;

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- (b) co-operative societies—
 - (i) promotion of co-operative societies;
 - (ii) processing of application for registration;
 - (iii) inspections and investigations;
 - (iv) training needs assessment for co-operative movement;
 - (v) market information dissemination and advisory services;
 - (vi) banking inspections local Savings and Credit Co-operative Societies;
 - (vii) risk assessment in Savings and Credit Co-operative Societies;
 - (viii) investment advisory services;
 - (ix) co-ordination and monitoring of co-operative indemnity by co-operative leaders;
 - (x) promotion of co-operative ventures and innovations for local co-operatives;
 - (xi) carrying out certification audits;
 - (xii) carrying out continuous and compliance audits;
 - (xiii) co-operative advisory services;
 - (xiv) pre-co-operative education;
 - (xv) settlement of disputes (arbitration); and
 - (xvi) registration of co-operative societies audited accounts.

7. County planning and development—

- (a) statistical services including—
 - (i) custodian of official statistics in the county;
 - (ii) maintenance of a comprehensive and reliable county socio-economic database;
 - (iii) quality assurance of statistical information;
 - (iv) collection and compilation of statistical information;
 - (v) analysis of statistical information;
 - (vi) publication and dissemination of statistical information for public use; and
 - (vii) co-ordination, monitoring and supervision of the county statistical system;
- (b) boundaries and fencing including—
 - (i) determination of property boundaries;
 - (ii) solving of property boundary disputes;
 - (iii) showing of property boundaries;
 - (iv) ensuring fencing and development of properties; and
 - (v) finalization of surveying of administrative boundaries within the counties; and
- (c) identification of the renewable energy sites for development, excluding identification and implementation of the rural electrification projects, management of the Rural Electrification Fund and development of isolated diesel stations, which shall be transferred within the transition period as per the Rural Electrification Authority schedules.

8. Village polytechnics.

9. Implementation of specific national government policies on natural resources and environmental conservation—

- (a) soil and water conservation—
 - (i) implementation of county specific water conservation and forestry policies through water resource users;
 - (ii) water pollution control; and
 - (iii) borehole site identification and drilling; and
- (b) forestry including farm forest extension services, forests and game reserves formerly managed by local authorities excluding forests managed by Kenya Forest Service, National Water Towers and private forests.

10. County public works and services—

- (a) public works including designing, documentation, post contracting, project management of construction and maintenance of public buildings and other infrastructural services. Construction of footbridges; and
- (b) water and sanitation services including rural water and sanitation services, provision of water and sanitation service in small and medium towns without formal service providers, water harvesting (specific to counties), urban water and sanitation services with formal service provision including water, sanitation and sewerage companies, excluding Water Service Boards, Water Services Regulatory Board and Water Resources Management Authority.

11. Ensuring and co-ordinating the participation of communities and locations in governance at the local level and assisting communities and locations to develop the administrative capacity for the effective exercise of the functions and powers and participation in governance at the local level.

TRANSFER OF FUNCTIONS, 2013

[L.N. 165/2013.]

Pursuant to section 15 of the Sixth Schedule to the Constitution as read with sections 23 and 24 of the Transition to Devolved Governments Act, 2012 and further to the Legal Notice No. 16 of 2013, the Transition Authority approves the transfer of the functions specified in the Schedule to the county government of Kwale, with effect from the 9th August, 2013:

Provided that the responsibility for the personnel emoluments related to the discharge of the devolved functions shall be managed by the national government for a period not exceeding six months or as shall be agreed upon between the two levels of government, whichever comes first.

Legal Notice No. 131 of 2013 is revoked.

SCHEDULE
1. Agriculture—

- (a) crop husbandry including—
- (i) provision of agricultural extension services or farmer advisory services;
 - (ii) development and implementation of programmes in the agricultural sector to address food security in the county;
 - (iii) construction of grain storage structures;
 - (iv) enforcement of regulations and standards on quality control of inputs, produce and products from the agricultural sector;
 - (v) availing farm inputs such as certified seeds, fertilizer and other planting materials, such as cassava cutting or potato vines, to farmers;
 - (vi) development of programmes to intervene on soil and water management and conservation of the natural resource base for agriculture;
 - (vii) promotion of market access for agricultural products;
 - (viii) provision of infrastructure to promote agricultural production and marketing as well as agro-processing and value chains;
 - (ix) enhancing accessibility to affordable credit and insurance packages for farmers;
 - (x) management of agricultural training centers and agricultural mechanization stations:

Provided that the management of agricultural training centers and agricultural mechanization station shall be transferred after six months, to enable the requisite structures and mechanisms to be put in place by the Transition Authority;
 - (xi) land development services such as construction of water pans for horticultural production for food security;
 - (xii) formulation and review of county specific policies;
 - (xiii) developing and enacting legislation and regulatory frameworks for county specific policies; and
 - (xiv) implementation of national and county specific policies and legislation;
- (b) animal husbandry including livestock extension services to deliver husbandry technologies to livestock farmers and pastoralists, through farm demonstrations, farmer field days, farmer field schools, agricultural shows,

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individual farm visits, farmer training courses (residential and non-residential), barazas, farmer tours, posters, brochures or leaflets;

- (c) plant and animal disease control including carrying out, co-ordinating and overseeing—
 - (i) communal dipping and spraying operations and vaccination campaigns; and
 - (ii) control of plant pests, diseases and noxious weeds that are specific to counties; and
- (d) fisheries including—
 - (i) fisheries extension services;
 - (ii) upscaling seaweed, fin fish and crustacean culture;
 - (iii) county fish seed bulking units;
 - (iv) on-farm trials;
 - (v) fish health certification;
 - (vi) development and maintenance of fish landing stations and jetties, fish auction centers and fish landing fees;
 - (vii) demarcation of all fish breeding areas and fencing of fish landing stations;
 - (viii) fish trade licensing and fish movement permits;
 - (ix) collection of fish production statistics;
 - (x) enforcement of fisheries regulations and compliance with management measures;
 - (xi) implementation of fisheries policy, fisheries management measures and regulation and limiting access to fishing;
 - (xii) fisheries monitoring, control and surveillance; and
 - (xiii) zonation for aquaculture-county specific disease control.

2. County health services—

- (a) county health facilities and pharmacies including—
 - (i) county health facilities including county and sub-county hospitals, rural health centres, dispensaries, rural health training and demonstration centres. Rehabilitation and maintenance of county health facilities including maintenance of vehicles, medical equipment and machinery. Inspection and licensing of medical premises including reporting;
 - (ii) county health pharmacies including specifications, quantification, storage, distribution, dispensing and rational use of medical commodities:

Provided that until alternative intergovernmental arrangements are made, all counties shall procure medical commodities from the Kenya Medical Supplies Authority except where a particular commodity required by a county government is not available at the Kenya Medical Supplies Authority;
- (b) ambulance services including emergency response and patient referral system;
- (c) promotion of primary health care including health education, health promotion, community health services, reproductive health, child health, tuberculosis, HIV, malaria, school health program, environmental health, maternal health care, immunization, disease surveillance, outreach services, referral, nutrition, occupational safety, food and water quality and safety, disease screening, hygiene and sanitation, disease prevention and control, ophthalmic services, clinical services, rehabilitation, mental health, laboratory

services, oral health, disaster preparedness and disease outbreak services. Planning and monitoring, health information system (data collection, collation, analysis and reporting), supportive supervision, patient and health facility records and inventories;

- (d) licensing and control of undertakings that sell food to the public including food safety and control;
- (e) veterinary services to carry out, co-ordinate and oversee veterinary services including clinical services, artificial insemination, and reproductive health management; but excluding regulation of the profession; and
- (f) enforcement of waste management policies, standards and regulations; in particular—
 - (i) refuse removal (garbage) including, provision of waste collection bins, segregation of waste at source, licensing of waste transportation;
 - (ii) refuse dumps including zoning waste operational areas, conducting environmental impact assessment for the siting of dumps, fencing of dumps, controlling fires, monitoring waste characteristics and monitoring of waste water from the dumpsite (leachate); and
 - (iii) solid waste disposal including enforcement of national waste management policies, standards and laws with respect to landfilling, incineration with energy recovery, compositing, recycling and operation of transfer stations.

3. Control of air pollution, noise pollution and other public nuisance including—

- (a) control of noise pollution and other public nuisances;
- (b) licensing for persons exceeding the permissible noise levels; and
- (c) noise mapping and action plan development,

excluding the implementation of nationally set ambient air quality standards.

4. Cultural services, public entertainment and public amenities—

- (a) county betting, casinos and other forms of gambling;
- (b) racing;
- (c) cinemas;
- (d) libraries excluding Kenya National Library Services; and
- (e) museums.

5. County transport including—

- (a) county roads including primary roads linking all sub-county headquarters and minor roads linking markets and administrative centers excluding roads being managed by Kenya Urban Roads Authority, Kenya Rural Roads Authority, Kenya Wildlife Service and Kenya Forest Service;
- (b) mechanical and transport equipment shall be retained by the national government for a period of six months and the Transition Authority shall during that period develop modalities of sharing the mechanical and transport equipment;
- (c) public road transport on licensing of public service vehicles operations; and
- (d) ferries and harbors including development, maintenance and operations of ferries and harbors operating in inland lakes and waters.

6. Trade development and regulation—

- (a) fair trading practices including—
 - (i) verification of weighing and measuring instruments;
 - (ii) inspection of weighing and measuring instruments and pre-packed goods;

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- (iii) investigation of complaints relating to unfair trade practices; and
- (iv) prosecution of offences arising from unfair trade practices;
- (b) co-operative societies—
 - (i) promotion of co-operative societies;
 - (ii) processing of application for registration;
 - (iii) inspections and investigations;
 - (iv) training needs assessment for co-operative movement;
 - (v) market information dissemination and advisory services;
 - (vi) banking inspections local Savings and Credit Co-operative Societies;
 - (vii) risk assessment in Savings and Credit Co-operative Societies;
 - (viii) investment advisory services;
 - (ix) co-ordination and monitoring of co-operative indemnity by co-operative leaders;
 - (x) promotion of co-operative ventures and innovations for local co-operatives;
 - (xi) carrying out certification audits;
 - (xii) carrying out continuous and compliance audits;
 - (xiii) co-operative advisory services;
 - (xiv) pre-co-operative education;
 - (xv) settlement of disputes (arbitration); and
 - (xvi) registration of co-operative societies audited accounts.

7. County planning and development—

- (a) statistical services including—
 - (i) custodian of official statistics in the county;
 - (ii) maintenance of a comprehensive and reliable county socio-economic database;
 - (iii) quality assurance of statistical information;
 - (iv) collection and compilation of statistical information;
 - (v) analysis of statistical information;
 - (vi) publication and dissemination of statistical information for public use; and
 - (vii) co-ordination, monitoring and supervision of the county statistical system;
- (b) boundaries and fencing including—
 - (i) determination of property boundaries;
 - (ii) solving of property boundary disputes;
 - (iii) showing of property boundaries;
 - (iv) ensuring fencing and development of properties; and
 - (v) finalization of surveying of administrative boundaries within the counties; and
- (c) identification of the renewable energy sites for development, excluding identification and implementation of the rural electrification projects, management of the Rural Electrification Fund and development of isolated diesel stations, which shall be transferred within the transition period as per the Rural Electrification Authority schedules.

8. Village polytechnics.
9. Implementation of specific national government policies on natural resources and environmental conservation—
- (a) soil and water conservation—
 - (i) implementation of county specific water conservation and forestry policies through water resource users;
 - (ii) water pollution control; and
 - (iii) borehole site identification and drilling; and
 - (b) forestry including farm forest extension services, forests and game reserves formerly managed by local authorities excluding forests managed by Kenya Forest Service, National Water Towers and private forests.
10. County public works and services—
- (a) public works including designing, documentation, post contracting, project management of construction and maintenance of public buildings and other infrastructural services. Construction of footbridges; and
 - (b) water and sanitation services including rural water and sanitation services, provision of water and sanitation service in small and medium towns without formal service providers, water harvesting (specific to counties), urban water and sanitation services with formal service provision including water, sanitation and sewerage companies, excluding Water Service Boards, Water Services Regulatory Board and Water Resources Management Authority.
11. Ensuring and co-ordinating the participation of communities and locations in governance at the local level and assisting communities and locations to develop the administrative capacity for the effective exercise of the functions and powers and participation in governance at the local level.
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TRANSFER OF FUNCTIONS, 2013

[L.N. 166/2013.]

Pursuant to section 15 of the Sixth Schedule to the Constitution as read with sections 23 and 24 of the Transition to Devolved Governments Act, 2012 and further to the Legal Notice No. 16 of 2013, the Transition Authority approves the transfer of the functions specified in the Schedule to the county government of Laikipia, with effect from the 9th August, 2013:

Provided that the responsibility for the personnel emoluments related to the discharge of the devolved functions shall be managed by the national government for a period not exceeding six months or as shall be agreed upon between the two levels of government, whichever comes first.

SCHEDULE
1. Agriculture—

- (a) crop husbandry including—
- (i) provision of agricultural extension services or farmer advisory services;
 - (ii) development and implementation of programmes in the agricultural sector to address food security in the county;
 - (iii) construction of grain storage structures;
 - (iv) enforcement of regulations and standards on quality control of inputs, produce and products from the agricultural sector;
 - (v) availing farm inputs such as certified seeds, fertilizer and other planting materials, such as cassava cutting or potato vines, to farmers;
 - (vi) development of programmes to intervene on soil and water management and conservation of the natural resource base for agriculture;
 - (vii) promotion of market access for agricultural products;
 - (viii) provision of infrastructure to promote agricultural production and marketing as well as agro-processing and value chains;
 - (ix) enhancing accessibility to affordable credit and insurance packages for farmers;
 - (x) management of agricultural training centers and agricultural mechanization stations:

Provided that the management of agricultural training centers and agricultural mechanization station shall be transferred after six months, to enable the requisite structures and mechanisms to be put in place by the Transition Authority;
 - (xi) land development services such as construction of water pans for horticultural production for food security;
 - (xii) formulation and review of county specific policies;
 - (xiii) developing and enacting legislation and regulatory frameworks for county specific policies; and
 - (xiv) implementation of national and county specific policies and legislation;
- (b) animal husbandry including livestock extension services to deliver husbandry technologies to livestock farmers and pastoralists, through farm demonstrations, farmer field days, farmer field schools, agricultural shows, individual farm visits, farmer training courses (residential and non-residential), barazas, farmer tours, posters, brochures or leaflets;

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[Subsidiary]

- (c) plant and animal disease control including carrying out, co-ordinating and overseeing—
 - (i) communal dipping and spraying operations and vaccination campaigns; and
 - (ii) control of plant pests, diseases and noxious weeds that are specific to counties; and
- (d) fisheries including—
 - (i) fisheries extension services;
 - (ii) upscaling seaweed, fin fish and crustacean culture;
 - (iii) county fish seed bulking units;
 - (iv) on-farm trials;
 - (v) fish health certification;
 - (vi) development and maintenance of fish landing stations and jetties, fish auction centers and fish landing fees;
 - (vii) demarcation of all fish breeding areas and fencing of fish landing stations;
 - (viii) fish trade licensing and fish movement permits;
 - (ix) collection of fish production statistics;
 - (x) enforcement of fisheries regulations and compliance with management measures;
 - (xi) implementation of fisheries policy, fisheries management measures and regulation and limiting access to fishing;
 - (xii) fisheries monitoring, control and surveillance; and
 - (xiii) zonation for aquaculture-county specific disease control.

2. County health services—

- (a) county health facilities and pharmacies including—
 - (i) county health facilities including county and sub-county hospitals, rural health centres, dispensaries, rural health training and demonstration centres. Rehabilitation and maintenance of county health facilities including maintenance of vehicles, medical equipment and machinery. Inspection and licensing of medical premises including reporting;
 - (ii) county health pharmacies including specifications, quantification, storage, distribution, dispensing and rational use of medical commodities:

Provided that until alternative intergovernmental arrangements are made, all counties shall procure medical commodities from the Kenya Medical Supplies Authority except where a particular commodity required by a county government is not available at the Kenya Medical Supplies Authority;
- (b) ambulance services including emergency response and patient referral system;
- (c) promotion of primary health care including health education, health promotion, community health services, reproductive health, child health, tuberculosis, HIV, malaria, school health program, environmental health, maternal health care, immunization, disease surveillance, outreach services, referral, nutrition, occupational safety, food and water quality and safety, disease screening, hygiene and sanitation, disease prevention and control, ophthalmic services, clinical services, rehabilitation, mental health, laboratory services, oral health, disaster preparedness and disease outbreak services.

Planning and monitoring, health information system (data collection, collation, analysis and reporting), supportive supervision, patient and health facility records and inventories;

- (d) licensing and control of undertakings that sell food to the public including food safety and control;
- (e) veterinary services to carry out, co-ordinate and oversee veterinary services including clinical services, artificial insemination, and reproductive health management; but excluding regulation of the profession; and
- (f) enforcement of waste management policies, standards and regulations; in particular—
 - (i) refuse removal (garbage) including, provision of waste collection bins, segregation of waste at source, licensing of waste transportation;
 - (ii) refuse dumps including zoning waste operational areas, conducting environmental impact assessment for the siting of dumps, fencing of dumps, controlling fires, monitoring waste characteristics and monitoring of waste water from the dumpsite (leachate); and
 - (iii) solid waste disposal including enforcement of national waste management policies, standards and laws with respect to landfilling, incineration with energy recovery, compositing, recycling and operation of transfer stations.

3. Control of air pollution, noise pollution and other public nuisance including—

- (a) control of noise pollution and other public nuisances;
- (b) licensing for persons exceeding the permissible noise levels; and
- (c) noise mapping and action plan development,

excluding the implementation of nationally set ambient air quality standards.

4. Cultural services, public entertainment and public amenities—

- (a) county betting, casinos and other forms of gambling;
- (b) racing;
- (c) cinemas;
- (d) libraries excluding Kenya National Library Services; and
- (e) museums.

5. County transport including—

- (a) county roads including primary roads linking all sub-county headquarters and minor roads linking markets and administrative centers excluding roads being managed by Kenya Urban Roads Authority, Kenya Rural Roads Authority, Kenya Wildlife Service and Kenya Forest Service;
- (b) mechanical and transport equipment shall be retained by the national government for a period of six months and the Transition Authority shall during that period develop modalities of sharing the mechanical and transport equipment; and
- (c) public road transport on licensing of public service vehicles operations.

6. Trade development and regulation—

- (a) fair trading practices including—
 - (i) verification of weighing and measuring instruments;
 - (ii) inspection of weighing and measuring instruments and pre-packed goods;
 - (iii) investigation of complaints relating to unfair trade practices; and
 - (iv) prosecution of offences arising from unfair trade practices;

[Subsidiary]

- (b) co-operative societies—
 - (i) promotion of co-operative societies;
 - (ii) processing of application for registration;
 - (iii) inspections and investigations;
 - (iv) training needs assessment for co-operative movement;
 - (v) market information dissemination and advisory services;
 - (vi) banking inspections local Savings and Credit Co-operative Societies;
 - (vii) risk assessment in Savings and Credit Co-operative Societies;
 - (viii) investment advisory services;
 - (ix) co-ordination and monitoring of co-operative indemnity by co-operative leaders;
 - (x) promotion of co-operative ventures and innovations for local co-operatives;
 - (xi) carrying out certification audits;
 - (xii) carrying out continuous and compliance audits;
 - (xiii) co-operative advisory services;
 - (xiv) pre-co-operative education;
 - (xv) settlement of disputes (arbitration); and
 - (xvi) registration of co-operative societies audited accounts.

7. County planning and development—

- (a) statistical services including—
 - (i) custodian of official statistics in the county;
 - (ii) maintenance of a comprehensive and reliable county socio-economic database;
 - (iii) quality assurance of statistical information;
 - (iv) collection and compilation of statistical information;
 - (v) analysis of statistical information;
 - (vi) publication and dissemination of statistical information for public use; and
 - (vii) co-ordination, monitoring and supervision of the county statistical system;
- (b) boundaries and fencing including—
 - (i) determination of property boundaries;
 - (ii) solving of property boundary disputes;
 - (iii) showing of property boundaries;
 - (iv) ensuring fencing and development of properties; and
 - (v) finalization of surveying of administrative boundaries within the counties; and
- (c) identification of the renewable energy sites for development, excluding identification and implementation of the rural electrification projects, management of the Rural Electrification Fund and development of isolated diesel stations, which shall be transferred within the transition period as per the Rural Electrification Authority schedules.

8. Village polytechnics.

9. Implementation of specific national government policies on natural resources and environmental conservation—

- (a) soil and water conservation—
 - (i) implementation of county specific water conservation and forestry policies through water resource users;
 - (ii) water pollution control; and
 - (iii) borehole site identification and drilling; and
- (b) forestry including farm forest extension services, forests and game reserves formerly managed by local authorities excluding forests managed by Kenya Forest Service, National Water Towers and private forests.

10. County public works and services—

- (a) public works including designing, documentation, post contracting, project management of construction and maintenance of public buildings and other infrastructural services. Construction of footbridges; and
- (b) water and sanitation services including rural water and sanitation services, provision of water and sanitation service in small and medium towns without formal service providers, water harvesting (specific to counties), urban water and sanitation services with formal service provision including water, sanitation and sewerage companies, excluding Water Service Boards, Water Services Regulatory Board and Water Resources Management Authority.

11. Ensuring and co-ordinating the participation of communities and locations in governance at the local level and assisting communities and locations to develop the administrative capacity for the effective exercise of the functions and powers and participation in governance at the local level.

TRANSFER OF FUNCTIONS, 2013

[L.N. 167/2013.]

Pursuant to section 15 of the Sixth Schedule to the Constitution as read with sections 23 and 24 of the Transition to Devolved Governments Act, 2012 and further to the Legal Notice No. 16 of 2013, the Transition Authority approves the transfer of the functions specified in the Schedule to the county government of Lamu, with effect from the 9th August, 2013:

Provided that the responsibility for the personnel emoluments related to the discharge of the devolved functions shall be managed by the national government for a period not exceeding six months or as shall be agreed upon between the two levels of government, whichever comes first.

SCHEDULE
1. Agriculture—

- (a) crop husbandry including—
- (i) provision of agricultural extension services or farmer advisory services;
 - (ii) development and implementation of programmes in the agricultural sector to address food security in the county;
 - (iii) construction of grain storage structures;
 - (iv) enforcement of regulations and standards on quality control of inputs, produce and products from the agricultural sector;
 - (v) availing farm inputs such as certified seeds, fertilizer and other planting materials, such as cassava cutting or potato vines, to farmers;
 - (vi) development of programmes to intervene on soil and water management and conservation of the natural resource base for agriculture;
 - (vii) promotion of market access for agricultural products;
 - (viii) provision of infrastructure to promote agricultural production and marketing as well as agro-processing and value chains;
 - (ix) enhancing accessibility to affordable credit and insurance packages for farmers;
 - (x) management of agricultural training centers and agricultural mechanization stations:

 Provided that the management of agricultural training centers and agricultural mechanization station shall be transferred after six months, to enable the requisite structures and mechanisms to be put in place by the Transition Authority;
 - (xi) land development services such as construction of water pans for horticultural production for food security;
 - (xii) formulation and review of county specific policies;
 - (xiii) developing and enacting legislation and regulatory frameworks for county specific policies; and
 - (xiv) implementation of national and county specific policies and legislation;
- (b) animal husbandry including livestock extension services to deliver husbandry technologies to livestock farmers and pastoralists, through farm demonstrations, farmer field days, farmer field schools, agricultural shows, individual farm visits, farmer training courses (residential and non-residential), barazas, farmer tours, posters, brochures or leaflets;

[Subsidiary]

- (c) plant and animal disease control including carrying out, co-ordinating and overseeing—
 - (i) communal dipping and spraying operations and vaccination campaigns; and
 - (ii) control of plant pests, diseases and noxious weeds that are specific to counties; and
- (d) fisheries including—
 - (i) fisheries extension services;
 - (ii) upscaling seaweed, fin fish and crustacean culture;
 - (iii) county fish seed bulking units;
 - (iv) maintenance of county fish auction centres;
 - (v) on-farm trials;
 - (vi) fish health certification;
 - (vii) development and maintenance of fish landing stations and jetties, fish auction centers and fish landing fees;
 - (viii) demarcation of all fish breeding areas and fencing of fish landing stations;
 - (ix) fish trade licensing and fish movement permits;
 - (x) collection of fish production statistics;
 - (xi) enforcement of fisheries regulations and compliance with management measures;
 - (xii) implementation of fisheries policy, fisheries management measures and regulation and limiting access to fishing;
 - (xiii) fisheries monitoring, control and surveillance; and
 - (xiv) zonation for aquaculture-county specific disease control.

2. County health services—

- (a) county health facilities and pharmacies including—
 - (i) county health facilities county and sub-county hospitals, rural health centres, dispensaries, rural health training and demonstration centres. Rehabilitation and maintenance of county health facilities including maintenance of vehicles, medical equipment and machinery. Inspection and licensing of medical premises including reporting;
 - (ii) county health pharmacies including specifications, quantification, storage, distribution, dispensing and rational use of medical commodities:

Provided that until alternative intergovernmental arrangements are made, all counties shall procure medical commodities from the Kenya Medical Supplies Authority except where a particular commodity required by a county government is not available at the Kenya Medical Supplies Authority;
- (b) ambulance services including emergency response and patient referral system;
- (c) promotion of primary health care including health education, health promotion, community health services, reproductive health, child health, tuberculosis, HIV, malaria, school health program, environmental health, maternal health care, immunization, disease surveillance, outreach services, referral, nutrition, occupational safety, food and water quality and safety, disease screening, hygiene and sanitation, disease prevention and control, ophthalmic services, clinical services, rehabilitation, mental health, laboratory services, oral health, disaster preparedness and disease outbreak services.

Planning and monitoring, health information system (data collection, collation, analysis and reporting), supportive supervision, patient and health facility records and inventories;

- (d) licensing and control of undertakings that sell food to the public including food safety and control;
- (e) veterinary services to carry out, co-ordinate and oversee veterinary services including clinical services, artificial insemination, and reproductive health management; but excluding regulation of the profession; and
- (f) enforcement of waste management policies, standards and regulations; in particular—
 - (i) refuse removal (garbage) including, provision of waste collection bins, segregation of waste at source, licensing of waste transportation;
 - (ii) refuse dumps including zoning waste operational areas, conducting environmental impact assessment for the siting of dumps, fencing of dumps, controlling fires, monitoring waste characteristics and monitoring of waste water from the dumpsite (leachate); and
 - (iii) solid waste disposal including enforcement of national waste management policies, standards and laws with respect to landfilling, incineration with energy recovery, compositing, recycling and operation of transfer stations.

3. Control of air pollution, noise pollution and other public nuisance including—

- (a) control of noise pollution and other public nuisances;
- (b) licensing for persons exceeding the permissible noise levels; and
- (c) noise mapping and action plan development,

excluding the implementation of nationally set ambient air quality standards.

4. Cultural services, public entertainment and public amenities—

- (a) county betting, casinos and other forms of gambling;
- (b) racing;
- (c) cinemas;
- (d) libraries excluding Kenya National Library Services; and
- (e) museums.

5. County transport including—

- (a) county roads including primary roads linking all sub-county headquarters and minor roads linking markets and administrative centers excluding roads being managed by Kenya Urban Roads Authority, Kenya Rural Roads Authority, Kenya Wildlife Service and Kenya Forest Service;
- (b) mechanical and transport equipment shall be retained by the national government for a period of six months and the Transition Authority shall during that period develop modalities of sharing the mechanical and transport equipment;
- (c) public road transport on licensing of public service vehicles operations.

6. Trade development and regulation—

- (a) fair trading practices including—
 - (i) verification of weighing and measuring instruments;
 - (ii) inspection of weighing and measuring instruments and pre-packed goods;
 - (iii) investigation of complaints relating to unfair trade practices; and
 - (iv) prosecution of offences arising from unfair trade practices;

[Subsidiary]

- (b) co-operative societies—
 - (i) promotion of co-operative societies;
 - (ii) processing of application for registration;
 - (iii) inspections and investigations;
 - (iv) training needs assessment for co-operative movement;
 - (v) market information dissemination and advisory services;
 - (vi) banking inspections local Savings and Credit Co-operative Societies;
 - (vii) risk assessment in Savings and Credit Co-operative Societies;
 - (viii) investment advisory services;
 - (ix) co-ordination and monitoring of co-operative indemnity by co-operative leaders;
 - (x) promotion of co-operative ventures and innovations for local co-operatives;
 - (xi) carrying out certification audits;
 - (xii) carrying out continuous and compliance audits;
 - (xiii) co-operative advisory services;
 - (xiv) pre-co-operative education;
 - (xv) settlement of disputes (arbitration); and
 - (xvi) registration of co-operative societies audited accounts.

7. County planning and development—

- (a) statistical services including—
 - (i) custodian of official statistics in the county;
 - (ii) maintenance of a comprehensive and reliable county socio-economic database;
 - (iii) quality assurance of statistical information;
 - (iv) collection and compilation of statistical information;
 - (v) analysis of statistical information;
 - (vi) publication and dissemination of statistical information for public use; and
 - (vii) co-ordination, monitoring and supervision of the county statistical system;
- (b) boundaries and fencing including—
 - (i) determination of property boundaries;
 - (ii) solving of property boundary disputes;
 - (iii) showing of property boundaries;
 - (iv) ensuring fencing and development of properties; and
 - (v) finalization of surveying of administrative boundaries within the counties; and
- (c) identification of the renewable energy sites for development, excluding identification and implementation of the rural electrification projects, management of the Rural Electrification Fund and development of isolated diesel stations, which shall be transferred within the transition period as per the Rural Electrification Authority schedules.

8. Village polytechnics.

9. Implementation of specific national government policies on natural resources and environmental conservation—

- (a) soil and water conservation—
 - (i) implementation of county specific water conservation and forestry policies through water resource users;
 - (ii) water pollution control; and
 - (iii) borehole site identification and drilling; and
- (b) forestry including farm forest extension services, forests and game reserves formerly managed by local authorities excluding forests managed by Kenya Forest Service, National Water Towers and private forests.

10. County public works and services—

- (a) public works including designing, documentation, post contracting, project management of construction and maintenance of public buildings and other infrastructural services. Construction of footbridges; and
- (b) water and sanitation services including rural water and sanitation services, provision of water and sanitation service in small and medium towns without formal service providers, water harvesting (specific to counties), urban water and sanitation services with formal service provision including water, sanitation and sewerage companies, excluding Water Service Boards, Water Services Regulatory Board and Water Resources Management Authority.

11. Ensuring and co-ordinating the participation of communities and locations in governance at the local level and assisting communities and locations to develop the administrative capacity for the effective exercise of the functions and powers and participation in governance at the local level.

TRANSFER OF FUNCTIONS, 2013

[L.N. 168/2013.]

Pursuant to section 15 of the Sixth Schedule to the Constitution as read with sections 23 and 24 of the Transition to Devolved Governments Act, 2012 and further to the Legal Notice No. 16 of 2013, the Transition Authority approves the transfer of the functions specified in the Schedule to the county government of Machakos, with effect from the 9th August, 2013:

Provided that the responsibility for the personnel emoluments related to the discharge of the devolved functions shall be managed by the national government for a period not exceeding six months or as shall be agreed upon between the two levels of government, whichever comes first.

SCHEDULE**1. Agriculture—**

- (a) crop husbandry including—
- (i) provision of agricultural extension services or farmer advisory services;
 - (ii) development and implementation of programmes in the agricultural sector to address food security in the county;
 - (iii) construction of grain storage structures;
 - (vi) enforcement of regulations and standards on quality control of inputs, produce and products from the agricultural sector;
 - (v) availing farm inputs such as certified seeds, fertilizer and other planting materials, such as cassava cutting or potato vines, to farmers;
 - (vi) development of programmes to intervene on soil and water management and conservation of the natural resource base for agriculture;
 - (vii) promotion of market access for agricultural products;
 - (viii) provision of infrastructure to promote agricultural production and marketing as well as agro-processing and value chains;
 - (ix) enhancing accessibility to affordable credit and insurance packages for farmers;
 - (x) management of agricultural training centers and agricultural mechanization stations:

Provided that the management of agricultural training centers and agricultural mechanization station shall be transferred after six months, to enable the requisite structures and mechanisms to be put in place by the Transition Authority;
 - (xi) land development services such as construction of water pans for horticultural production for food security;
 - (xii) formulation and review of county specific policies;
 - (xiii) developing and enacting legislation and regulatory frameworks for county specific policies; and
 - (xiv) implementation of national and county specific policies and legislation;
- (b) animal husbandry including livestock extension services to deliver husbandry technologies to livestock farmers and pastoralists, through farm demonstrations, farmer field days, farmer field schools, agricultural shows, individual farm visits, farmer training courses (residential and non-residential), barazas, farmer tours, posters, brochures or leaflets;

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- (c) plant and animal disease control including carrying out, co-ordinating and overseeing—
 - (i) communal dipping and spraying operations and vaccination campaigns; and
 - (ii) control of plant pests, diseases and noxious weeds that are specific to counties; and
- (d) fisheries including—
 - (i) fisheries extension services;
 - (ii) upscaling seaweed, fin fish and crustacean culture;
 - (iii) county fish seed bulking units;
 - (iv) on-farm trials;
 - (v) fish health certification;
 - (vi) development and maintenance of fish landing stations and jetties, fish auction centers and fish landing fees;
 - (vii) demarcation of all fish breeding areas and fencing of fish landing stations;
 - (viii) fish trade licensing and fish movement permits;
 - (ix) collection of fish production statistics;
 - (x) enforcement of fisheries regulations and compliance with management measures;
 - (xi) implementation of fisheries policy, fisheries management measures and regulation and limiting access to fishing;
 - (xii) fisheries monitoring, control and surveillance; and
 - (xiii) zonation for aquaculture-county specific disease control.

2. County health services—

- (a) county health facilities and pharmacies including—
 - (i) county health facilities including county and sub-county hospitals, rural health centres, dispensaries, rural health training and demonstration centres. Rehabilitation and maintenance of county health facilities including maintenance of vehicles, medical equipment and machinery. Inspection and licensing of medical premises including reporting;
 - (ii) county health pharmacies including specifications, quantification, storage, distribution, dispensing and rational use of medical commodities:

Provided that until alternative intergovernmental arrangements are made, all counties shall procure medical commodities from the Kenya Medical Supplies Authority except where a particular commodity required by a county government is not available at the Kenya Medical Supplies Authority;
- (b) ambulance services including emergency response and patient referral system;
- (c) promotion of primary health care including health education, health promotion, community health services, reproductive health, child health, tuberculosis, HIV, malaria, school health program, environmental health, maternal health care, immunization, disease surveillance, outreach services, referral, nutrition, occupational safety, food and water quality and safety, disease screening, hygiene and sanitation, disease prevention and control, ophthalmic services, clinical services, rehabilitation, mental health, laboratory services, oral health, disaster preparedness and disease outbreak services.

Planning and monitoring, health information system (data collection, collation, analysis and reporting), supportive supervision, patient and health facility records and inventories;

- (d) licensing and control of undertakings that sell food to the public including food safety and control;
- (e) veterinary services to carry out, co-ordinate and oversee veterinary services including clinical services, artificial insemination, and reproductive health management; but excluding regulation of the profession; and
- (f) enforcement of waste management policies, standards and regulations; in particular—
 - (i) refuse removal (garbage) including, provision of waste collection bins, segregation of waste at source, licensing of waste transportation;
 - (ii) refuse dumps including zoning waste operational areas, conducting environmental impact assessment for the siting of dumps, fencing of dumps, controlling fires, monitoring waste characteristics and monitoring of waste water from the dumpsite (leachate); and
 - (iii) solid waste disposal including enforcement of national waste management policies, standards and laws with respect to landfilling, incineration with energy recovery, compositing, recycling and operation of transfer stations.

3. Control of air pollution, noise pollution and other public nuisance including—

- (a) control of noise pollution and other public nuisances;
- (b) licensing for persons exceeding the permissible noise levels; and
- (c) noise mapping and action plan development,

excluding the implementation of nationally set ambient air quality standards.

4. Cultural services, public entertainment and public amenities—

- (a) county betting, casinos and other forms of gambling;
- (b) racing;
- (c) cinemas;
- (d) libraries excluding Kenya National Library Services; and
- (e) museums.

5. County transport including—

- (a) county roads including primary roads linking all sub-county headquarters and minor roads linking markets and administrative centers excluding roads being managed by Kenya Urban Roads Authority, Kenya Rural Roads Authority, Kenya Wildlife Service and Kenya Forest Service;
- (b) mechanical and transport equipment shall be retained by the national government for a period of six months and the Transition Authority shall during that period develop modalities of sharing the mechanical and transport equipment; and
- (c) public road transport on licensing of public service vehicles operations.

6. Trade development and regulation—

- (a) fair trading practices including—
 - (i) verification of weighing and measuring instruments;
 - (ii) inspection of weighing and measuring instruments and pre-packed goods;
 - (iii) investigation of complaints relating to unfair trade practices; and
 - (iv) prosecution of offences arising from unfair trade practices;

[Subsidiary]

- (b) co-operative societies—
 - (i) promotion of co-operative societies;
 - (ii) processing of application for registration;
 - (iii) inspections and investigations;
 - (iv) training needs assessment for co-operative movement;
 - (v) market information dissemination and advisory services;
 - (vi) banking inspections local Savings and Credit Co-operative Societies;
 - (vii) risk assessment in Savings and Credit Co-operative Societies;
 - (viii) investment advisory services;
 - (ix) co-ordination and monitoring of co-operative indemnity by co-operative leaders;
 - (x) promotion of co-operative ventures and innovations for local co-operatives;
 - (xi) carrying out certification audits;
 - (xii) carrying out continuous and compliance audits;
 - (xiii) co-operative advisory services;
 - (xiv) pre-co-operative education;
 - (xv) settlement of disputes (arbitration); and
 - (xvi) registration of co-operative societies audited accounts.

7. County planning and development—

- (a) statistical services including—
 - (i) custodian of official statistics in the county;
 - (ii) maintenance of a comprehensive and reliable county socio-economic database;
 - (iii) quality assurance of statistical information;
 - (iv) collection and compilation of statistical information;
 - (v) analysis of statistical information;
 - (vi) publication and dissemination of statistical information for public use; and
 - (vii) co-ordination, monitoring and supervision of the county statistical system;
- (b) boundaries and fencing including—
 - (i) determination of property boundaries;
 - (ii) solving of property boundary disputes;
 - (iii) showing of property boundaries;
 - (iv) ensuring fencing and development of properties; and
 - (v) finalization of surveying of administrative boundaries within the counties; and
- (c) identification of the renewable energy sites for development, excluding identification and implementation of the rural electrification projects, management of the Rural Electrification Fund and development of isolated diesel stations, which shall be transferred within the transition period as per the Rural Electrification Authority schedules.

8. Village polytechnics.

- 9.** Implementation of specific national government policies on natural resources and environmental conservation—
- (a) soil and water conservation—
 - (i) implementation of county specific water conservation and forestry policies through water resource users;
 - (ii) water pollution control; and
 - (iii) borehole site identification and drilling; and
 - (b) forestry including farm forest extension services, forests and game reserves formerly managed by local authorities excluding forests managed by Kenya Forest Service, National Water Towers and private forests.
- 10.** County public works and services—
- (a) public works including designing, documentation, post contracting, project management of construction and maintenance of public buildings and other infrastructural services. Construction of footbridges; and
 - (b) water and sanitation services including rural water and sanitation services, provision of water and sanitation service in small and medium towns without formal service providers, water harvesting (specific to counties), urban water and sanitation services with formal service provision including water, sanitation and sewerage companies, excluding Water Service Boards, Water Services Regulatory Board and Water Resources Management Authority.
- 11.** Ensuring and co-ordinating the participation of communities and locations in governance at the local level and assisting communities and locations to develop the administrative capacity for the effective exercise of the functions and powers and participation in governance at the local level.
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TRANSFER OF FUNCTIONS, 2013

[L.N. 169/2013.]

Pursuant to section 15 of the Sixth Schedule to the Constitution as read with sections 23 and 24 of the Transition to Devolved Governments Act, 2012 and further to the Legal Notice No. 16 of 2013, the Transition Authority approves the transfer of the functions specified in the Schedule to the county government of Kajiado, with effect from the 9th August, 2013:

Provided that the responsibility for the personnel emoluments related to the discharge of the devolved functions shall be managed by the national government for a period not exceeding six months or as shall be agreed upon between the two levels of government, whichever comes first.

SCHEDULE**1. Agriculture—**

- (a) crop husbandry including—
- (i) provision of agricultural extension services or farmer advisory services;
 - (ii) development and implementation of programmes in the agricultural sector to address food security in the county;
 - (iii) construction of grain storage structures;
 - (iv) enforcement of regulations and standards on quality control of inputs, produce and products from the agricultural sector;
 - (v) availing farm inputs such as certified seeds, fertilizer and other planting materials, such as cassava cutting or potato vines, to farmers;
 - (vi) development of programmes to intervene on soil and water management and conservation of the natural resource base for agriculture;
 - (vii) promotion of market access for agricultural products;
 - (viii) provision of infrastructure to promote agricultural production and marketing as well as agro-processing and value chains;
 - (ix) enhancing accessibility to affordable credit and insurance packages for farmers;
 - (x) management of agricultural training centers and agricultural mechanization stations:

Provided that the management of agricultural training centers and agricultural mechanization station shall be transferred after six months, to enable the requisite structures and mechanisms to be put in place by the Transition Authority;
 - (xi) land development services such as construction of water pans for horticultural production for food security;
 - (xii) formulation and review of county specific policies;
 - (xiii) developing and enacting legislation and regulatory frameworks for county specific policies; and
 - (xiv) implementation of national and county specific policies and legislation;
- (b) animal husbandry including livestock extension services to deliver husbandry technologies to livestock farmers and pastoralists, through farm demonstrations, farmer field days, farmer field schools, agricultural shows, individual farm visits, farmer training courses (residential and non-residential), barazas, farmer tours, posters, brochures or leaflets;

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[Subsidiary]

- (c) plant and animal disease control including carrying out, co-ordinating and overseeing—
 - (i) communal dipping and spraying operations and vaccination campaigns; and
 - (ii) control of plant pests, diseases and noxious weeds that are specific to counties; and
- (d) fisheries including—
 - (i) fisheries extension services;
 - (ii) upscaling seaweed, fin fish and crustacean culture;
 - (iii) county fish seed bulking units;
 - (iv) on-farm trials;
 - (v) fish health certification;
 - (vi) development and maintenance of fish landing stations and jetties, fish auction centers and fish landing fees;
 - (vii) demarcation of all fish breeding areas and fencing of fish landing stations;
 - (viii) fish trade licensing and fish movement permits;
 - (ix) collection of fish production statistics;
 - (x) enforcement of fisheries regulations and compliance with management measures;
 - (xi) implementation of fisheries policy, fisheries management measures and regulation and limiting access to fishing;
 - (xii) fisheries monitoring, control and surveillance; and
 - (xiii) zonation for aquaculture-county specific disease control.

2. County health services—

- (a) county health facilities and pharmacies including—
 - (i) county health facilities including county and sub-county hospitals, rural health centres, dispensaries, rural health training and demonstration centres. Rehabilitation and maintenance of county health facilities including maintenance of vehicles, medical equipment and machinery. Inspection and licensing of medical premises including reporting;
 - (ii) county health pharmacies including specifications, quantification, storage, distribution, dispensing and rational use of medical commodities:

Provided that until alternative intergovernmental arrangements are made, all counties shall procure medical commodities from the Kenya Medical Supplies Authority except where a particular commodity required by a county government is not available at the Kenya Medical Supplies Authority;
- (b) ambulance services including emergency response and patient referral system;
- (c) promotion of primary health care including health education, health promotion, community health services, reproductive health, child health, tuberculosis, HIV, malaria, school health program, environmental health, maternal health care, immunization, disease surveillance, outreach services, referral, nutrition, occupational safety, food and water quality and safety, disease screening, hygiene and sanitation, disease prevention and control, ophthalmic services, clinical services, rehabilitation, mental health, laboratory services, oral health, disaster preparedness and disease outbreak services.

Planning and monitoring, health information system (data collection, collation, analysis and reporting), supportive supervision, patient and health facility records and inventories;

- (d) licensing and control of undertakings that sell food to the public including food safety and control;
- (e) veterinary services to carry out, co-ordinate and oversee veterinary services including clinical services, artificial insemination, and reproductive health management; but excluding regulation of the profession; and
- (f) enforcement of waste management policies, standards and regulations; in particular—
 - (i) refuse removal (garbage) including, provision of waste collection bins, segregation of waste at source, licensing of waste transportation;
 - (ii) refuse dumps including zoning waste operational areas, conducting environmental impact assessment for the siting of dumps, fencing of dumps, controlling fires, monitoring waste characteristics and monitoring of waste water from the dumpsite (leachate); and
 - (iii) solid waste disposal including enforcement of national waste management policies, standards and laws with respect to landfilling, incineration with energy recovery, compositing, recycling and operation of transfer stations.

3. Control of air pollution, noise pollution and other public nuisance including—

- (a) control of noise pollution and other public nuisances;
- (b) licensing for persons exceeding the permissible noise levels; and
- (c) noise mapping and action plan development,

excluding the implementation of nationally set ambient air quality standards.

4. Cultural services, public entertainment and public amenities—

- (a) county betting, casinos and other forms of gambling;
- (b) racing;
- (c) cinemas;
- (d) libraries excluding Kenya National Library Services; and
- (e) museums.

5. County transport including—

- (a) county roads including primary roads linking all sub-county headquarters and minor roads linking markets and administrative centers excluding roads being managed by Kenya Urban Roads Authority, Kenya Rural Roads Authority, Kenya Wildlife Service and Kenya Forest Service;
- (b) mechanical and transport equipment shall be retained by the national government for a period of six months and the Transition Authority shall during that period develop modalities of sharing the mechanical and transport equipment; and
- (c) public road transport on licensing of public service vehicles operations.

6. Trade development and regulation—

- (a) fair trading practices including—
 - (i) verification of weighing and measuring instruments;
 - (ii) inspection of weighing and measuring instruments and pre-packed goods;
 - (iii) investigation of complaints relating to unfair trade practices; and
 - (iv) prosecution of offences arising from unfair trade practices;

[Subsidiary]

- (b) co-operative societies—
 - (i) promotion of co-operative societies;
 - (ii) processing of application for registration;
 - (iii) inspections and investigations;
 - (iv) training needs assessment for co-operative movement;
 - (v) market information dissemination and advisory services;
 - (vi) banking inspections local Savings and Credit Co-operative Societies;
 - (vii) risk assessment in Savings and Credit Co-operative Societies;
 - (viii) investment advisory services;
 - (ix) co-ordination and monitoring of co-operative indemnity by co-operative leaders;
 - (x) promotion of co-operative ventures and innovations for local co-operatives;
 - (xi) carrying out certification audits;
 - (xii) carrying out continuous and compliance audits;
 - (xiii) co-operative advisory services;
 - (xiv) pre-co-operative education;
 - (xv) settlement of disputes (arbitration); and
 - (xvi) registration of co-operative societies audited accounts.

7. County planning and development—

- (a) statistical services including—
 - (i) custodian of official statistics in the county;
 - (ii) maintenance of a comprehensive and reliable county socio-economic database;
 - (iii) quality assurance of statistical information;
 - (iv) collection and compilation of statistical information;
 - (v) analysis of statistical information;
 - (vi) publication and dissemination of statistical information for public use; and
 - (vii) co-ordination, monitoring and supervision of the county statistical system;
- (b) boundaries and fencing including—
 - (i) determination of property boundaries;
 - (ii) solving of property boundary disputes;
 - (iii) showing of property boundaries;
 - (iv) ensuring fencing and development of properties; and
 - (v) finalization of surveying of administrative boundaries within the counties; and
- (c) identification of the renewable energy sites for development, excluding identification and implementation of the rural electrification projects, management of the Rural Electrification Fund and development of isolated diesel stations, which shall be transferred within the transition period as per the Rural Electrification Authority schedules.

8. Village polytechnics.

9. Implementation of specific national government policies on natural resources and environmental conservation—

- (a) soil and water conservation—
 - (i) implementation of county specific water conservation and forestry policies through water resource users;
 - (ii) water pollution control; and
 - (iii) borehole site identification and drilling; and
- (b) forestry including farm forest extension services, forests and game reserves formerly managed by local authorities excluding forests managed by Kenya Forest Service, National Water Towers and private forests.

10. County public works and services—

- (a) public works including designing, documentation, post contracting, project management of construction and maintenance of public buildings and other infrastructural services. Construction of footbridges; and
- (b) water and sanitation services including rural water and sanitation services, provision of water and sanitation service in small and medium towns without formal service providers, water harvesting (specific to counties), urban water and sanitation services with formal service provision including water, sanitation and sewerage companies, excluding Water Service Boards, Water Services Regulatory Board and Water Resources Management Authority.

11. Ensuring and co-ordinating the participation of communities and locations in governance at the local level and assisting communities and locations to develop the administrative capacity for the effective exercise of the functions and powers and participation in governance at the local level.

TRANSFER OF FUNCTIONS, 2013

[L.N. 170/2013.]

Pursuant to section 15 of the Sixth Schedule to the Constitution as read with sections 23 and 24 of the Transition to Devolved Governments Act, 2012 and further to the Legal Notice No. 16 of 2013, the Transition Authority approves the transfer of the functions specified in the Schedule to the county government of Uasin Gishu, with effect from the 9th August, 2013:

Provided that the responsibility for the personnel emoluments related to the discharge of the devolved functions shall be managed by the national government for a period not exceeding six months or as shall be agreed upon between the two levels of government, whichever comes first.

SCHEDULE**1. Agriculture—**

- (a) crop husbandry including—
- (i) provision of agricultural extension services or farmer advisory services;
 - (ii) development and implementation of programmes in the agricultural sector to address food security in the county;
 - (iii) construction of grain storage structures;
 - (iv) enforcement of regulations and standards on quality control of inputs, produce and products from the agricultural sector;
 - (v) availing farm inputs such as certified seeds, fertilizer and other planting materials, such as cassava cutting or potato vines, to farmers;
 - (vi) development of programmes to intervene on soil and water management and conservation of the natural resource base for agriculture;
 - (vii) promotion of market access for agricultural products;
 - (viii) provision of infrastructure to promote agricultural production and marketing as well as agro-processing and value chains;
 - (ix) enhancing accessibility to affordable credit and insurance packages for farmers;
 - (x) management of agricultural training centers and agricultural mechanization stations:

Provided that the management of agricultural training centers and agricultural mechanization station shall be transferred after six months, to enable the requisite structures and mechanisms to be put in place by the Transition Authority;
 - (xi) land development services such as construction of water pans for horticultural production for food security;
 - (xii) formulation and review of county specific policies;
 - (xiii) developing and enacting legislation and regulatory frameworks for county specific policies; and
 - (xiv) implementation of national and county specific policies and legislation;
- (b) animal husbandry including livestock extension services to deliver husbandry technologies to livestock farmers and pastoralists, through farm demonstrations, farmer field days, farmer field schools, agricultural shows, individual farm visits, farmer training courses (residential and non-residential), barazas, farmer tours, posters, brochures or leaflets;

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- (c) plant and animal disease control including carrying out, co-ordinating and overseeing—
 - (i) communal dipping and spraying operations and vaccination campaigns; and
 - (ii) control of plant pests, diseases and noxious weeds that are specific to counties; and
- (d) fisheries including—
 - (i) fisheries extension services;
 - (ii) upscaling seaweed, fin fish and crustacean culture;
 - (iii) county fish seed bulking units;
 - (iv) on-farm trials;
 - (v) fish health certification;
 - (vi) development and maintenance of fish landing stations and jetties, fish auction centers and fish landing fees;
 - (vii) demarcation of all fish breeding areas and fencing of fish landing stations;
 - (viii) fish trade licensing and fish movement permits;
 - (ix) collection of fish production statistics;
 - (x) enforcement of fisheries regulations and compliance with management measures;
 - (xi) implementation of fisheries policy, fisheries management measures and regulation and limiting access to fishing;
 - (xii) fisheries monitoring, control and surveillance; and
 - (xiii) zonation for aquaculture-county specific disease control.

2. County health services—

- (a) county health facilities and pharmacies including—
 - (i) county health facilities including county and sub-county hospitals, rural health centres, dispensaries, rural health training and demonstration centres. Rehabilitation and maintenance of county health facilities including maintenance of vehicles, medical equipment and machinery. Inspection and licensing of medical premises including reporting;
 - (ii) county health pharmacies including specifications, quantification, storage, distribution, dispensing and rational use of medical commodities:

Provided that until alternative intergovernmental arrangements are made, all counties shall procure medical commodities from the Kenya Medical Supplies Authority except where a particular commodity required by a county government is not available at the Kenya Medical Supplies Authority;
- (b) ambulance services including emergency response and patient referral system;
- (c) promotion of primary health care including health education, health promotion, community health services, reproductive health, child health, tuberculosis, HIV, malaria, school health program, environmental health, maternal health care, immunization, disease surveillance, outreach services, referral, nutrition, occupational safety, food and water quality and safety, disease screening, hygiene and sanitation, disease prevention and control, ophthalmic services, clinical services, rehabilitation, mental health, laboratory services, oral health, disaster preparedness and disease outbreak services.

Planning and monitoring, health information system (data collection, collation, analysis and reporting), supportive supervision, patient and health facility records and inventories;

- (d) licensing and control of undertakings that sell food to the public including food safety and control;
- (e) veterinary services to carry out, co-ordinate and oversee veterinary services including clinical services, artificial insemination, and reproductive health management; but excluding regulation of the profession; and
- (f) enforcement of waste management policies, standards and regulations; in particular—
 - (i) refuse removal (garbage) including, provision of waste collection bins, segregation of waste at source, licensing of waste transportation;
 - (ii) refuse dumps including zoning waste operational areas, conducting environmental impact assessment for the siting of dumps, fencing of dumps, controlling fires, monitoring waste characteristics and monitoring of waste water from the dumpsite (leachate); and
 - (iii) solid waste disposal including enforcement of national waste management policies, standards and laws with respect to landfilling, incineration with energy recovery, compositing, recycling and operation of transfer stations.

3. Control of air pollution, noise pollution and other public nuisance including—

- (a) control of noise pollution and other public nuisances;
- (b) licensing for persons exceeding the permissible noise levels; and
- (c) noise mapping and action plan development,

excluding the implementation of nationally set ambient air quality standards.

4. Cultural services, public entertainment and public amenities—

- (a) county betting, casinos and other forms of gambling;
- (b) racing;
- (c) cinemas;
- (d) libraries excluding Kenya National Library Services; and
- (e) museums.

5. County transport including—

- (a) county roads including primary roads linking all sub-county headquarters and minor roads linking markets and administrative centers excluding roads being managed by Kenya Urban Roads Authority, Kenya Rural Roads Authority, Kenya Wildlife Service and Kenya Forest Service;
- (b) mechanical and transport equipment shall be retained by the national government for a period of six months and the Transition Authority shall during that period develop modalities of sharing the mechanical and transport equipment; and
- (c) public road transport on licensing of public service vehicles operations.

6. Trade development and regulation—

- (a) fair trading practices including—
 - (i) verification of weighing and measuring instruments;
 - (ii) inspection of weighing and measuring instruments and pre-packed goods;
 - (iii) investigation of complaints relating to unfair trade practices; and
 - (iv) prosecution of offences arising from unfair trade practices;

[Subsidiary]

- (b) co-operative societies—
- (i) promotion of co-operative societies;
 - (ii) processing of application for registration;
 - (iii) inspections and investigations;
 - (iv) training needs assessment for co-operative movement;
 - (v) market information dissemination and advisory services;
 - (vi) banking inspections local Savings and Credit Co-operative Societies;
 - (vii) risk assessment in Savings and Credit Co-operative Societies;
 - (viii) investment advisory services;
 - (ix) co-ordination and monitoring of co-operative indemnity by co-operative leaders;
 - (x) promotion of co-operative ventures and innovations for local co-operatives;
 - (xi) carrying out certification audits;
 - (xii) carrying out continuous and compliance audits;
 - (xiii) co-operative advisory services;
 - (xiv) pre-co-operative education;
 - (xv) settlement of disputes (arbitration); and
 - (xvi) registration of co-operative societies audited accounts.

7. County planning and development—

- (a) statistical services including—
- (i) custodian of official statistics in the county;
 - (ii) maintenance of a comprehensive and reliable county socio-economic database;
 - (iii) quality assurance of statistical information;
 - (iv) collection and compilation of statistical information;
 - (v) analysis of statistical information;
 - (vi) publication and dissemination of statistical information for public use; and
 - (vii) co-ordination, monitoring and supervision of the county statistical system;
- (b) boundaries and fencing including—
- (i) determination of property boundaries;
 - (ii) solving of property boundary disputes;
 - (iii) showing of property boundaries;
 - (iv) ensuring fencing and development of properties; and
 - (v) finalization of surveying of administrative boundaries within the counties; and
- (c) identification of the renewable energy sites for development, excluding identification and implementation of the rural electrification projects, management of the Rural Electrification Fund and development of isolated diesel stations, which shall be transferred within the transition period as per the Rural Electrification Authority schedules.

8. Village polytechnics.

9. Implementation of specific national government policies on natural resources and environmental conservation—

- (a) soil and water conservation—
 - (i) implementation of county specific water conservation and forestry policies through water resource users;
 - (ii) water pollution control; and
 - (iii) borehole site identification and drilling; and
- (b) forestry including farm forest extension services, forests and game reserves formerly managed by local authorities excluding forests managed by Kenya Forest Service, National Water Towers and private forests.

10. County public works and services—

- (a) public works including designing, documentation, post contracting, project management of construction and maintenance of public buildings and other infrastructural services. Construction of footbridges; and
- (b) water and sanitation services including rural water and sanitation services, provision of water and sanitation service in small and medium towns without formal service providers, water harvesting (specific to counties), urban water and sanitation services with formal service provision including water, sanitation and sewerage companies, excluding Water Service Boards, Water Services Regulatory Board and Water Resources Management Authority.

11. Ensuring and co-ordinating the participation of communities and locations in governance at the local level and assisting communities and locations to develop the administrative capacity for the effective exercise of the functions and powers and participation in governance at the local level.

TRANSFER OF FUNCTIONS, 2013

[L.N. 171/2013.]

Pursuant to section 15 of the Sixth Schedule to the Constitution as read with sections 23 and 24 of the Transition to Devolved Governments Act, 2012 and further to the Legal Notice No. 16 of 2013, the Transition Authority approves the transfer of the functions specified in the Schedule to the county government of Trans Nzoia, with effect from the 9th August, 2013:

Provided that the responsibility for the personnel emoluments related to the discharge of the devolved functions shall be managed by the national government for a period not exceeding six months or as shall be agreed upon between the two levels of government, whichever comes first.

Legal Notice No. 135 of 2013 is revoked.

SCHEDULE
1. Agriculture—

- (a) crop husbandry including—
- (i) provision of agricultural extension services or farmer advisory services;
 - (ii) development and implementation of programmes in the agricultural sector to address food security in the county;
 - (iii) construction of grain storage structures;
 - (iv) enforcement of regulations and standards on quality control of inputs, produce and products from the agricultural sector;
 - (v) availing farm inputs such as certified seeds, fertilizer and other planting materials, such as cassava cutting or potato vines, to farmers;
 - (vi) development of programmes to intervene on soil and water management and conservation of the natural resource base for agriculture;
 - (vii) promotion of market access for agricultural products;
 - (viii) provision of infrastructure to promote agricultural production and marketing as well as agro-processing and value chains;
 - (ix) enhancing accessibility to affordable credit and insurance packages for farmers;
 - (x) management of agricultural training centers and agricultural mechanization stations:

Provided that the management of agricultural training centers and agricultural mechanization station shall be transferred after six months, to enable the requisite structures and mechanisms to be put in place by the Transition Authority;
 - (xi) land development services such as construction of water pans for horticultural production for food security;
 - (xii) formulation and review of county specific policies;
 - (xiii) developing and enacting legislation and regulatory frameworks for county specific policies; and
 - (xiv) implementation of national and county specific policies and legislation;
- (b) animal husbandry including livestock extension services to deliver husbandry technologies to livestock farmers and pastoralists, through farm demonstrations, farmer field days, farmer field schools, agricultural

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shows, individual farm visits, farmer training courses (residential and non-residential), barazas, farmer tours, posters, brochures or leaflets;

- (c) plant and animal disease control including carrying out, co-ordinating and overseeing—
 - (i) communal dipping and spraying operations and vaccination campaigns; and
 - (ii) control of plant pests, diseases and noxious weeds that are specific to counties; and
- (d) fisheries including—
 - (i) fisheries extension services;
 - (ii) upscaling seaweed, fin fish and crustacean culture;
 - (iii) county fish seed bulking units;
 - (iv) on-farm trials;
 - (v) fish health certification;
 - (vi) development and maintenance of fish landing stations and jetties, fish auction centers and fish landing fees;
 - (vii) demarcation of all fish breeding areas and fencing of fish landing stations;
 - (viii) fish trade licensing and fish movement permits;
 - (ix) collection of fish production statistics;
 - (x) enforcement of fisheries regulations and compliance with management measures;
 - (xi) implementation of fisheries policy, fisheries management measures and regulation and limiting access to fishing;
 - (xii) fisheries monitoring, control and surveillance; and
 - (xiii) zonation for aquaculture-county specific disease control.

2. County health services—

- (a) county health facilities and pharmacies including—
 - (i) county health facilities including county and sub-county hospitals, rural health centres, dispensaries, rural health training and demonstration centres. Rehabilitation and maintenance of county health facilities including maintenance of vehicles, medical equipment and machinery. Inspection and licensing of medical premises including reporting;
 - (ii) county health pharmacies including specifications, quantification, storage, distribution, dispensing and rational use of medical commodities:

Provided that, until alternative intergovernmental arrangements are made, all counties shall procure medical commodities from the Kenya Medical Supplies Authority except where a particular commodity required by a county government is not available at the Kenya Medical Supplies Authority;
- (b) ambulance services including emergency response and patient referral system;
- (c) promotion of primary health care including health education, health promotion, community health services, reproductive health, child health, tuberculosis, HIV, malaria, school health program, environmental health, maternal health care, immunization, disease surveillance, outreach services, referral, nutrition, occupational safety, food and water quality and safety, disease screening, hygiene and sanitation, disease prevention and control, ophthalmic services, clinical services, rehabilitation, mental health, laboratory

services, oral health, disaster preparedness and disease outbreak services. Planning and monitoring, health information system (data collection, collation, analysis and reporting), supportive supervision, patient and health facility records and inventories;

- (d) licensing and control of undertakings that sell food to the public including food safety and control;
- (e) veterinary services to carry out, co-ordinate and oversee veterinary services including clinical services, artificial insemination, and reproductive health management; but excluding regulation of the profession; and
- (f) enforcement of waste management policies, standards and regulations; in particular—
 - (i) refuse removal (garbage) including, provision of waste collection bins, segregation of waste at source, licensing of waste transportation;
 - (ii) refuse dumps including zoning waste operational areas, conducting environmental impact assessment for the siting of dumps, fencing of dumps, controlling fires, monitoring waste characteristics and monitoring of waste water from the dumpsite (leachate); and
 - (iii) solid waste disposal including enforcement of national waste management policies, standards and laws with respect to landfilling, incineration with energy recovery, compositing, recycling and operation of transfer stations.

3. Control of air pollution, noise pollution and other public nuisance including—

- (a) control of noise pollution and other public nuisances;
- (b) licensing for persons exceeding the permissible noise levels; and
- (c) noise mapping and action plan development,

excluding the implementation of nationally set ambient air quality standards.

4. Cultural services, public entertainment and public amenities—

- (a) county betting, casinos and other forms of gambling;
- (b) racing;
- (c) cinemas;
- (d) libraries excluding Kenya National Library Services; and
- (e) museums.

5. County transport including—

- (a) county roads including primary roads linking all sub-county headquarters and minor roads linking markets and administrative centers excluding roads being managed by Kenya Urban Roads Authority, Kenya Rural Roads Authority, Kenya Wildlife Service and Kenya Forest Service;
- (b) mechanical and transport equipment shall be retained by the national government for a period of six months and the Transition Authority shall during that period develop modalities of sharing the mechanical and transport equipment; and
- (c) public road transport on licensing of public service vehicles operations.

6. Trade development and regulation—

- (a) fair trading practices including—
 - (i) verification of weighing and measuring instruments;
 - (ii) inspection of weighing and measuring instruments and pre-packed goods;
 - (iii) investigation of complaints relating to unfair trade practices; and
 - (iv) prosecution of offences arising from unfair trade practices;

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- (b) co-operative societies—
 - (i) promotion of co-operative societies;
 - (ii) processing of application for registration;
 - (iii) inspections and investigations;
 - (iv) training needs assessment for co-operative movement;
 - (v) market information dissemination and advisory services;
 - (vi) banking inspections local Savings and Credit Co-operative Societies;
 - (vii) risk assessment in Savings and Credit Co-operative Societies;
 - (viii) investment advisory services;
 - (ix) co-ordination and monitoring of co-operative indemnity by co-operative leaders;
 - (x) promotion of co-operative ventures and innovations for local co-operatives;
 - (xi) carrying out certification audits;
 - (xii) carrying out continuous and compliance audits;
 - (xiii) co-operative advisory services;
 - (xiv) pre-co-operative education;
 - (xv) settlement of disputes (arbitration); and
 - (xvi) registration of co-operative societies audited accounts.

7. County planning and development—

- (a) statistical services including—
 - (i) custodian of official statistics in the county;
 - (ii) maintenance of a comprehensive and reliable county socio-economic database;
 - (iii) quality assurance of statistical information;
 - (iv) collection and compilation of statistical information;
 - (v) analysis of statistical information;
 - (vi) publication and dissemination of statistical information for public use; and
 - (vii) co-ordination, monitoring and supervision of the county statistical system;
- (b) boundaries and fencing including—
 - (i) determination of property boundaries;
 - (ii) solving of property boundary disputes;
 - (iii) showing of property boundaries;
 - (iv) ensuring fencing and development of properties; and
 - (v) finalization of surveying of administrative boundaries within the counties; and
- (c) identification of the renewable energy sites for development, excluding identification and implementation of the rural electrification projects, management of the Rural Electrification Fund and development of isolated diesel stations, which shall be transferred within the transition period as per the Rural Electrification Authority schedules.

8. Village polytechnics.

9. Implementation of specific national government policies on natural resources and environmental conservation—

- (a) soil and water conservation—

- (i) implementation of county specific water conservation and forestry policies through water resource users;
 - (ii) water pollution control; and
 - (iii) borehole site identification and drilling; and
- (b) forestry including farm forest extension services, forests and game reserves formerly managed by local authorities excluding forests managed by Kenya Forest Service, National Water Towers and private forests.

10. County public works and services—

- (a) public works including designing, documentation, post contracting, project management of construction and maintenance of public buildings and other infrastructural services. Construction of footbridges; and
- (b) water and sanitation services including rural water and sanitation services, provision of water and sanitation service in small and medium towns without formal service providers, water harvesting (specific to counties), urban water and sanitation services with formal service provision including water, sanitation and sewerage companies, excluding Water Service Boards, Water Services Regulatory Board and Water Resources Management Authority.

11. Ensuring and co-ordinating the participation of communities and locations in governance at the local level and assisting communities and locations to develop the administrative capacity for the effective exercise of the functions and powers and participation in governance at the local level.

TRANSFER OF FUNCTIONS, 2013

[L.N. 172/2013.]

Pursuant to section 15 of the Sixth Schedule to the Constitution as read with sections 23 and 24 of the Transition to Devolved Governments Act, 2012 and further to the Legal Notice No. 16 of 2013, the Transition Authority approves the transfer of the functions specified in the Schedule to the county government of Tharaka Nithi, with effect from the 9th August, 2013:

Provided that the responsibility for the personnel emoluments related to the discharge of the devolved functions shall be managed by the national government for a period not exceeding six months or as shall be agreed upon between the two levels of government, whichever comes first.

SCHEDULE**1. Agriculture—**

- (a) crop husbandry including—
- (i) provision of agricultural extension services or farmer advisory services;
 - (ii) development and implementation of programmes in the agricultural sector to address food security in the county;
 - (iii) construction of grain storage structures;
 - (iv) enforcement of regulations and standards on quality control of inputs, produce and products from the agricultural sector;
 - (v) availing farm inputs such as certified seeds, fertilizer and other planting materials, such as cassava cutting or potato vines, to farmers;
 - (vi) development of programmes to intervene on soil and water management and conservation of the natural resource base for agriculture;
 - (vii) promotion of market access for agricultural products;
 - (viii) provision of infrastructure to promote agricultural production and marketing as well as agro-processing and value chains;
 - (ix) enhancing accessibility to affordable credit and insurance packages for farmers;
 - (x) management of agricultural training centers and agricultural mechanization stations:

Provided that the management of agricultural training centers and agricultural mechanization station shall be transferred after six months, to enable the requisite structures and mechanisms to be put in place by the Transition Authority;
 - (xi) land development services such as construction of water pans for horticultural production for food security;
 - (xii) formulation and review of county specific policies;
 - (xiii) developing and enacting legislation and regulatory frameworks for county specific policies; and
 - (xiv) implementation of national and county specific policies and legislation;
- (b) animal husbandry including livestock extension services to deliver husbandry technologies to livestock farmers and pastoralists, through farm demonstrations, farmer field days, farmer field schools, agricultural shows, individual farm visits, farmer training courses (residential and non-residential), barazas, farmer tours, posters, brochures or leaflets;

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- (c) plant and animal disease control including carrying out, co-ordinating and overseeing—
 - (i) communal dipping and spraying operations and vaccination campaigns; and
 - (ii) control of plant pests, diseases and noxious weeds that are specific to counties; and
- (d) fisheries including—
 - (i) fisheries extension services;
 - (ii) upscaling seaweed, fin fish and crustacean culture;
 - (iii) county fish seed bulking units;
 - (iv) on-farm trials;
 - (v) fish health certification;
 - (vi) development and maintenance of fish landing stations and jetties, fish auction centers and fish landing fees;
 - (vii) demarcation of all fish breeding areas and fencing of fish landing stations;
 - (viii) fish trade licensing and fish movement permits;
 - (ix) collection of fish production statistics;
 - (x) enforcement of fisheries regulations and compliance with management measures;
 - (xi) implementation of fisheries policy, fisheries management measures and regulation and limiting access to fishing;
 - (xii) fisheries monitoring, control and surveillance; and
 - (xiii) zonation for aquaculture-county specific disease control.

2. County health services—

- (a) county health facilities and pharmacies including—
 - (i) county health facilities including county and sub-county hospitals, rural health centres, dispensaries, rural health training and demonstration centres. Rehabilitation and maintenance of county health facilities including maintenance of vehicles, medical equipment and machinery. Inspection and licensing of medical premises including reporting;
 - (ii) county health pharmacies including specifications, quantification, storage, distribution, dispensing and rational use of medical commodities:

Provided that until alternative intergovernmental arrangements are made, all counties shall procure medical commodities from the Kenya Medical Supplies Authority except where a particular commodity required by a county government is not available at the Kenya Medical Supplies Authority;
- (b) ambulance services including emergency response and patient referral system;
- (c) promotion of primary health care including health education, health promotion, community health services, reproductive health, child health, tuberculosis, HIV, malaria, school health program, environmental health, maternal health care, immunization, disease surveillance, outreach services, referral, nutrition, occupational safety, food and water quality and safety, disease screening, hygiene and sanitation, disease prevention and control, ophthalmic services, clinical services, rehabilitation, mental health, laboratory services, oral health, disaster preparedness and disease outbreak services.

Planning and monitoring, health information system (data collection, collation, analysis and reporting), supportive supervision, patient and health facility records and inventories;

- (d) licensing and control of undertakings that sell food to the public including food safety and control;
- (e) veterinary services to carry out, co-ordinate and oversee veterinary services including clinical services, artificial insemination, and reproductive health management; but excluding regulation of the profession; and
- (f) enforcement of waste management policies, standards and regulations; in particular—
 - (i) refuse removal (garbage) including, provision of waste collection bins, segregation of waste at source, licensing of waste transportation;
 - (ii) refuse dumps including zoning waste operational areas, conducting environmental impact assessment for the siting of dumps, fencing of dumps, controlling fires, monitoring waste characteristics and monitoring of waste water from the dumpsite (leachate); and
 - (iii) solid waste disposal including enforcement of national waste management policies, standards and laws with respect to landfilling, incineration with energy recovery, compositing, recycling and operation of transfer stations.

3. Control of air pollution, noise pollution and other public nuisance including—

- (a) control of noise pollution and other public nuisances;
- (b) licensing for persons exceeding the permissible noise levels; and
- (c) noise mapping and action plan development,

excluding the implementation of nationally set ambient air quality standards.

4. Cultural services, public entertainment and public amenities—

- (a) county betting, casinos and other forms of gambling;
- (b) racing;
- (c) cinemas;
- (d) libraries excluding Kenya National Library Services; and
- (e) museums.

5. County transport including—

- (a) county roads including primary roads linking all sub-county headquarters and minor roads linking markets and administrative centers excluding roads being managed by Kenya Urban Roads Authority, Kenya Rural Roads Authority, Kenya Wildlife Service and Kenya Forest Service;
- (b) mechanical and transport equipment shall be retained by the national government for a period of six months and the Transition Authority shall during that period develop modalities of sharing the mechanical and transport equipment; and
- (c) public road transport on licensing of public service vehicles operations.

6. Trade development and regulation—

- (a) fair trading practices including—
 - (i) verification of weighing and measuring instruments;
 - (ii) inspection of weighing and measuring instruments and pre-packed goods;
 - (iii) investigation of complaints relating to unfair trade practices; and
 - (iv) prosecution of offences arising from unfair trade practices;

[Subsidiary]

- (b) co-operative societies—
 - (i) promotion of co-operative societies;
 - (ii) processing of application for registration;
 - (iii) inspections and investigations;
 - (iv) training needs assessment for co-operative movement;
 - (v) market information dissemination and advisory services;
 - (vi) banking inspections local Savings and Credit Co-operative Societies;
 - (vii) risk assessment in Savings and Credit Co-operative Societies;
 - (viii) investment advisory services;
 - (ix) co-ordination and monitoring of co-operative indemnity by co-operative leaders;
 - (x) promotion of co-operative ventures and innovations for local co-operatives;
 - (xi) carrying out certification audits;
 - (xii) carrying out continuous and compliance audits;
 - (xiii) co-operative advisory services;
 - (xiv) pre-co-operative education;
 - (xv) settlement of disputes (arbitration); and
 - (xvi) registration of co-operative societies audited accounts.

7. County planning and development—

- (a) statistical services including—
 - (i) custodian of official statistics in the county;
 - (ii) maintenance of a comprehensive and reliable county socio-economic database;
 - (iii) quality assurance of statistical information;
 - (iv) collection and compilation of statistical information;
 - (v) analysis of statistical information;
 - (vi) publication and dissemination of statistical information for public use; and
 - (vii) co-ordination, monitoring and supervision of the county statistical system;
- (b) boundaries and fencing including—
 - (i) determination of property boundaries;
 - (ii) solving of property boundary disputes;
 - (iii) showing of property boundaries;
 - (iv) ensuring fencing and development of properties; and
 - (v) finalization of surveying of administrative boundaries within the counties; and
- (c) identification of the renewable energy sites for development, excluding identification and implementation of the rural electrification projects, management of the Rural Electrification Fund and development of isolated diesel stations, which shall be transferred within the transition period as per the Rural Electrification Authority schedules.

8. Village polytechnics.

9. Implementation of specific national government policies on natural resources and environmental conservation—

- (a) soil and water conservation—
 - (i) implementation of county specific water conservation and forestry policies through water resource users;
 - (ii) water pollution control; and
 - (iii) borehole site identification and drilling; and
- (b) forestry including farm forest extension services, forests and game reserves formerly managed by local authorities excluding forests managed by Kenya Forest Service, National Water Towers and private forests.

10. County public works and services—

- (a) public works including designing, documentation, post contracting, project management of construction and maintenance of public buildings and other infrastructural services. Construction of footbridges; and
 - (b) water and sanitation services including rural water and sanitation services, provision of water and sanitation service in small and medium towns without formal service providers, water harvesting (specific to counties), urban water and sanitation services with formal service provision including water, sanitation and sewerage companies, excluding Water Service Boards, Water Services Regulatory Board and Water Resources Management Authority.
 - (c) Ensuring and co-ordinating the participation of communities and locations in governance at the local level and assisting communities and locations to develop the administrative capacity for the effective exercise of the functions and powers and participation in governance at the local level.
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TRANSFER OF FUNCTIONS, 2013

[L.N. 173/2013.]

Pursuant to section 15 of the Sixth Schedule to the Constitution as read with sections 23 and 24 of the Transition to Devolved Governments Act, 2012 and further to the Legal Notice No. 16 of 2013, the Transition Authority approves the transfer of the functions specified in the Schedule to the county government of Tana River, with effect from the 9th August, 2013:

Provided that the responsibility for the personnel emoluments related to the discharge of the devolved functions shall be managed by the national government for a period not exceeding six months or as shall be agreed upon between the two levels of government, whichever comes first.

SCHEDULE**1. Agriculture—**

- (a) crop husbandry including—
- (i) provision of agricultural extension services or farmer advisory services;
 - (ii) development and implementation of programmes in the agricultural sector to address food security in the county;
 - (iii) construction of grain storage structures;
 - (iv) enforcement of regulations and standards on quality control of inputs, produce and products from the agricultural sector;
 - (v) availing farm inputs such as certified seeds, fertilizer and other planting materials, such as cassava cutting or potato vines, to farmers;
 - (vi) development of programmes to intervene on soil and water management and conservation of the natural resource base for agriculture;
 - (vii) promotion of market access for agricultural products;
 - (viii) provision of infrastructure to promote agricultural production and marketing as well as agro-processing and value chains;
 - (ix) enhancing accessibility to affordable credit and insurance packages for farmers;
 - (x) management of agricultural training centers and agricultural mechanization stations:

Provided that the management of agricultural training centers and agricultural mechanization station shall be transferred after six months, to enable the requisite structures and mechanisms to be put in place by the Transition Authority;
 - (xi) land development services such as construction of water pans for horticultural production for food security;
 - (xii) formulation and review of county specific policies;
 - (xiii) developing and enacting legislation and regulatory frameworks for county specific policies; and
 - (xiv) implementation of national and county specific policies and legislation;
- (b) animal husbandry including livestock extension services to deliver husbandry technologies to livestock farmers and pastoralists, through farm demonstrations, farmer field days, farmer field schools, agricultural shows, individual farm visits, farmer training courses (residential and non-residential), barazas, farmer tours, posters, brochures or leaflets;

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[Subsidiary]

- (c) plant and animal disease control including carrying out, co-ordinating and overseeing—
 - (i) communal dipping and spraying operations and vaccination campaigns; and
 - (ii) control of plant pests, diseases and noxious weeds that are specific to counties; and
- (d) fisheries including—
 - (i) fisheries extension services;
 - (ii) upscaling seaweed, fin fish and crustacean culture;
 - (iii) county fish seed bulking units;
 - (iv) on-farm trials;
 - (v) fish health certification;
 - (vi) development and maintenance of fish landing stations and jetties, fish auction centers and fish landing fees;
 - (vii) demarcation of all fish breeding areas and fencing of fish landing stations;
 - (viii) fish trade licensing and fish movement permits;
 - (ix) collection of fish production statistics;
 - (x) enforcement of fisheries regulations and compliance with management measures;
 - (xi) implementation of fisheries policy, fisheries management measures and regulation and limiting access to fishing;
 - (xii) fisheries monitoring, control and surveillance; and
 - (xiii) zonation for aquaculture-county specific disease control.

2. County health services—

- (a) county health facilities and pharmacies including—
 - (i) county health facilities including county and sub-county hospitals, rural health centres, dispensaries, rural health training and demonstration centres. Rehabilitation and maintenance of county health facilities including maintenance of vehicles, medical equipment and machinery. Inspection and licensing of medical premises including reporting;
 - (ii) county health pharmacies including specifications, quantification, storage, distribution, dispensing and rational use of medical commodities:

Provided that until alternative intergovernmental arrangements are made, all counties shall procure medical commodities from the Kenya Medical Supplies Authority except where a particular commodity required by a county government is not available at the Kenya Medical Supplies Authority;
- (b) ambulance services including emergency response and patient referral system;
- (c) promotion of primary health care including health education, health promotion, community health services, reproductive health, child health, tuberculosis, HIV, malaria, school health program, environmental health, maternal health care, immunization, disease surveillance, outreach services, referral, nutrition, occupational safety, food and water quality and safety, disease screening, hygiene and sanitation, disease prevention and control, ophthalmic services, clinical services, rehabilitation, mental health, laboratory services, oral health, disaster preparedness and disease outbreak services.

Planning and monitoring, health information system (data collection, collation, analysis and reporting), supportive supervision, patient and health facility records and inventories;

- (d) licensing and control of undertakings that sell food to the public including food safety and control;
- (e) veterinary services to carry out, co-ordinate and oversee veterinary services including clinical services, artificial insemination, and reproductive health management; but excluding regulation of the profession; and
- (f) enforcement of waste management policies, standards and regulations; in particular—
 - (i) refuse removal (garbage) including, provision of waste collection bins, segregation of waste at source, licensing of waste transportation;
 - (ii) refuse dumps including zoning waste operational areas, conducting environmental impact assessment for the siting of dumps, fencing of dumps, controlling fires, monitoring waste characteristics and monitoring of waste water from the dumpsite (leachate); and
 - (iii) solid waste disposal including enforcement of national waste management policies, standards and laws with respect to landfilling, incineration with energy recovery, compositing, recycling and operation of transfer stations.

3. Control of air pollution, noise pollution and other public nuisance including—

- (a) control of noise pollution and other public nuisances;
- (b) licensing for persons exceeding the permissible noise levels; and
- (c) noise mapping and action plan development,

excluding the implementation of nationally set ambient air quality standards.

4. Cultural services, public entertainment and public amenities—

- (a) county betting, casinos and other forms of gambling;
- (b) racing;
- (c) cinemas;
- (d) libraries excluding Kenya National Library Services; and
- (e) museums.

5. County transport including—

- (a) county roads including primary roads linking all sub-county headquarters and minor roads linking markets and administrative centers excluding roads being managed by Kenya Urban Roads Authority, Kenya Rural Roads Authority, Kenya Wildlife Service and Kenya Forest Service;
- (b) mechanical and transport equipment shall be retained by the national government for a period of six months and the Transition Authority shall during that period develop modalities of sharing the mechanical and transport equipment; and
- (c) public road transport on licensing of public service vehicles operations.

6. Trade development and regulation—

- (a) fair trading practices including—
 - (i) verification of weighing and measuring instruments;
 - (ii) inspection of weighing and measuring instruments and pre-packed goods;
 - (iii) investigation of complaints relating to unfair trade practices; and
 - (iv) prosecution of offences arising from unfair trade practices;

[Subsidiary]

- (b) co-operative societies—
- (i) promotion of co-operative societies;
 - (ii) processing of application for registration;
 - (iii) inspections and investigations;
 - (iv) training needs assessment for co-operative movement;
 - (v) market information dissemination and advisory services;
 - (vi) banking inspections local Savings and Credit Co-operative Societies;
 - (vii) risk assessment in Savings and Credit Co-operative Societies;
 - (viii) investment advisory services;
 - (ix) co-ordination and monitoring of co-operative indemnity by co-operative leaders;
 - (x) promotion of co-operative ventures and innovations for local co-operatives;
 - (xi) carrying out certification audits;
 - (xii) carrying out continuous and compliance audits;
 - (xiii) co-operative advisory services;
 - (xiv) pre-co-operative education;
 - (xv) settlement of disputes (arbitration); and
 - (xvi) registration of co-operative societies audited accounts.

7. County planning and development—

- (a) statistical services including—
- (i) custodian of official statistics in the county;
 - (ii) maintenance of a comprehensive and reliable county socio-economic database;
 - (iii) quality assurance of statistical information;
 - (iv) collection and compilation of statistical information;
 - (v) analysis of statistical information;
 - (vi) publication and dissemination of statistical information for public use; and
 - (vii) co-ordination, monitoring and supervision of the county statistical system;
- (b) boundaries and fencing including—
- (i) determination of property boundaries;
 - (ii) solving of property boundary disputes;
 - (iii) showing of property boundaries;
 - (iv) ensuring fencing and development of properties; and
 - (v) finalization of surveying of administrative boundaries within the counties; and
- (c) identification of the renewable energy sites for development, excluding identification and implementation of the rural electrification projects, management of the Rural Electrification Fund and development of isolated diesel stations, which shall be transferred within the transition period as per the Rural Electrification Authority schedules.

8. Village polytechnics.

- 9.** Implementation of specific national government policies on natural resources and environmental conservation—
- (a) soil and water conservation—
 - (i) implementation of county specific water conservation and forestry policies through water resource users;
 - (ii) water pollution control; and
 - (iii) borehole site identification and drilling; and
 - (b) forestry including farm forest extension services, forests and game reserves formerly managed by local authorities excluding forests managed by Kenya Forest Service, National Water Towers and private forests.
- 10.** County public works and services—
- (a) public works including designing, documentation, post contracting, project management of construction and maintenance of public buildings and other infrastructural services. Construction of footbridges; and
 - (b) water and sanitation services including rural water and sanitation services, provision of water and sanitation service in small and medium towns without formal service providers, water harvesting (specific to counties), urban water and sanitation services with formal service provision including water, sanitation and sewerage companies, excluding Water Service Boards, Water Services Regulatory Board and Water Resources Management Authority.
- 11.** Ensuring and co-ordinating the participation of communities and locations in governance at the local level and assisting communities and locations to develop the administrative capacity for the effective exercise of the functions and powers and participation in governance at the local level.
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TRANSFER OF FUNCTIONS, 2013

[L.N. 174/2013.]

Pursuant to section 15 of the Sixth Schedule to the Constitution as read with sections 23 and 24 of the Transition to Devolved Governments Act, 2012 and further to the Legal Notice No. 16 of 2013, the Transition Authority approves the transfer of the functions specified in the Schedule to the county government of Samburu, with effect from the 9th August, 2013:

Provided that the responsibility for the personnel emoluments related to the discharge of the devolved functions shall be managed by the national government for a period not exceeding six months or as shall be agreed upon between the two levels of government, whichever comes first.

SCHEDULE
1. Agriculture—

- (a) crop husbandry including—
- (i) provision of agricultural extension services or farmer advisory services;
 - (ii) development and implementation of programmes in the agricultural sector to address food security in the county;
 - (iii) construction of grain storage structures;
 - (iv) enforcement of regulations and standards on quality control of inputs, produce and products from the agricultural sector;
 - (v) availing farm inputs such as certified seeds, fertilizer and other planting materials, such as cassava cutting or potato vines, to farmers;
 - (vi) development of programmes to intervene on soil and water management and conservation of the natural resource base for agriculture;
 - (vii) promotion of market access for agricultural products;
 - (viii) provision of infrastructure to promote agricultural production and marketing as well as agro-processing and value chains;
 - (ix) enhancing accessibility to affordable credit and insurance packages for farmers;
 - (x) management of agricultural training centers and agricultural mechanization stations:

Provided that the management of agricultural training centers and agricultural mechanization station shall be transferred after six months, to enable the requisite structures and mechanisms to be put in place by the Transition Authority;
 - (xi) land development services such as construction of water pans for horticultural production for food security;
 - (xii) formulation and review of county specific policies;
 - (xiii) developing and enacting legislation and regulatory frameworks for county specific policies; and
 - (xiv) implementation of national and county specific policies and legislation;
- (b) animal husbandry including livestock extension services to deliver husbandry technologies to livestock farmers and pastoralists, through farm demonstrations, farmer field days, farmer field schools, agricultural shows, individual farm visits, farmer training courses (residential and non-residential), barazas, farmer tours, posters, brochures or leaflets;

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[Subsidiary]

- (c) plant and animal disease control including carrying out, co-ordinating and overseeing—
 - (i) communal dipping and spraying operations and vaccination campaigns; and
 - (ii) control of plant pests, diseases and noxious weeds that are specific to counties; and
- (d) fisheries including—
 - (i) fisheries extension services;
 - (ii) upscaling seaweed, fin fish and crustacean culture;
 - (iii) county fish seed bulking units;
 - (iv) on-farm trials;
 - (v) fish health certification;
 - (vi) development and maintenance of fish landing stations and jetties, fish auction centers and fish landing fees;
 - (vii) demarcation of all fish breeding areas and fencing of fish landing stations;
 - (viii) fish trade licensing and fish movement permits;
 - (ix) collection of fish production statistics;
 - (x) enforcement of fisheries regulations and compliance with management measures;
 - (xi) implementation of fisheries policy, fisheries management measures and regulation and limiting access to fishing;
 - (xii) fisheries monitoring, control and surveillance; and
 - (xiii) zonation for aquaculture-county specific disease control.

2. County health services—

- (a) county health facilities and pharmacies including—
 - (i) county health facilities including county and sub-county hospitals, rural health centres, dispensaries, rural health training and demonstration centres. Rehabilitation and maintenance of county health facilities including maintenance of vehicles, medical equipment and machinery. Inspection and licensing of medical premises including reporting;
 - (ii) county health pharmacies including specifications, quantification, storage, distribution, dispensing and rational use of medical commodities:

Provided that until alternative intergovernmental arrangements are made, all counties shall procure medical commodities from the Kenya Medical Supplies Authority except where a particular commodity required by a county government is not available at the Kenya Medical Supplies Authority;
- (b) ambulance services including emergency response and patient referral system;
- (c) promotion of primary health care including health education, health promotion, community health services, reproductive health, child health, tuberculosis, HIV, malaria, school health program, environmental health, maternal health care, immunization, disease surveillance, outreach services, referral, nutrition, occupational safety, food and water quality and safety, disease screening, hygiene and sanitation, disease prevention and control, ophthalmic services, clinical services, rehabilitation, mental health, laboratory services, oral health, disaster preparedness and disease outbreak services.

Planning and monitoring, health information system (data collection, collation, analysis and reporting), supportive supervision, patient and health facility records and inventories;

- (d) licensing and control of undertakings that sell food to the public including food safety and control;
- (e) veterinary services to carry out, co-ordinate and oversee veterinary services including clinical services, artificial insemination, and reproductive health management; but excluding regulation of the profession; and
- (f) enforcement of waste management policies, standards and regulations; in particular—
 - (i) refuse removal (garbage) including, provision of waste collection bins, segregation of waste at source, licensing of waste transportation;
 - (ii) refuse dumps including zoning waste operational areas, conducting environmental impact assessment for the siting of dumps, fencing of dumps, controlling fires, monitoring waste characteristics and monitoring of waste water from the dumpsite (leachate); and
 - (iii) solid waste disposal including enforcement of national waste management policies, standards and laws with respect to landfilling, incineration with energy recovery, compositing, recycling and operation of transfer stations.

3. Control of air pollution, noise pollution and other public nuisance including—

- (a) control of noise pollution and other public nuisances;
- (b) licensing for persons exceeding the permissible noise levels; and
- (c) noise mapping and action plan development,

excluding the implementation of nationally set ambient air quality standards.

4. Cultural services, public entertainment and public amenities—

- (a) county betting, casinos and other forms of gambling;
- (b) racing;
- (c) cinemas;
- (d) libraries excluding Kenya National Library Services; and
- (e) museums.

5. County transport including—

- (a) county roads including primary roads linking all sub-county headquarters and minor roads linking markets and administrative centers excluding roads being managed by Kenya Urban Roads Authority, Kenya Rural Roads Authority, Kenya Wildlife Service and Kenya Forest Service;
- (b) mechanical and transport equipment shall be retained by the national government for a period of six months and the Transition Authority shall during that period develop modalities of sharing the mechanical and transport equipment; and
- (c) public road transport on licensing of public service vehicles operations.

6. Trade development and regulation—

- (a) fair trading practices including—
 - (i) verification of weighing and measuring instruments;
 - (ii) inspection of weighing and measuring instruments and pre-packed goods;
 - (iii) investigation of complaints relating to unfair trade practices; and
 - (iv) prosecution of offences arising from unfair trade practices;

[Subsidiary]

- (b) co-operative societies—
 - (i) promotion of co-operative societies;
 - (ii) processing of application for registration;
 - (iii) inspections and investigations;
 - (iv) training needs assessment for co-operative movement;
 - (v) market information dissemination and advisory services;
 - (vi) banking inspections local Savings and Credit Co-operative Societies;
 - (vii) risk assessment in Savings and Credit Co-operative Societies;
 - (viii) investment advisory services;
 - (ix) co-ordination and monitoring of co-operative indemnity by co-operative leaders;
 - (x) promotion of co-operative ventures and innovations for local co-operatives;
 - (xi) carrying out certification audits;
 - (xii) carrying out continuous and compliance audits;
 - (xiii) co-operative advisory services;
 - (xiv) pre-co-operative education;
 - (xv) settlement of disputes (arbitration); and
 - (xvi) registration of co-operative societies audited accounts.

7. County planning and development—

- (a) statistical services including—
 - (i) custodian of official statistics in the county;
 - (ii) maintenance of a comprehensive and reliable county socio-economic database;
 - (iii) quality assurance of statistical information;
 - (iv) collection and compilation of statistical information;
 - (v) analysis of statistical information;
 - (vi) publication and dissemination of statistical information for public use; and
 - (vii) co-ordination, monitoring and supervision of the county statistical system;
- (b) boundaries and fencing including—
 - (i) determination of property boundaries;
 - (ii) solving of property boundary disputes;
 - (iii) showing of property boundaries;
 - (iv) ensuring fencing and development of properties; and
 - (v) finalization of surveying of administrative boundaries within the counties; and
- (c) identification of the renewable energy sites for development, excluding identification and implementation of the rural electrification projects, management of the Rural Electrification Fund and development of isolated diesel stations, which shall be transferred within the transition period as per the Rural Electrification Authority schedules.

8. Village polytechnics.

9. Implementation of specific national government policies on natural resources and environmental conservation—

- (a) soil and water conservation—
 - (i) implementation of county specific water conservation and forestry policies through water resource users;
 - (ii) water pollution control; and
 - (iii) borehole site identification and drilling; and
- (b) forestry including farm forest extension services, forests and game reserves formerly managed by local authorities excluding forests managed by Kenya Forest Service, National Water Towers and private forests.

10. County public works and services—

- (a) public works including designing, documentation, post contracting, project management of construction and maintenance of public buildings and other infrastructural services. Construction of footbridges; and
- (b) water and sanitation services including rural water and sanitation services, provision of water and sanitation service in small and medium towns without formal service providers, water harvesting (specific to counties), urban water and sanitation services with formal service provision including water, sanitation and sewerage companies, excluding Water Service Boards, Water Services Regulatory Board and Water Resources Management Authority.

11. Ensuring and co-ordinating the participation of communities and locations in governance at the local level and assisting communities and locations to develop the administrative capacity for the effective exercise of the functions and powers and participation in governance at the local level.

TRANSFER OF FUNCTIONS, 2013

[L.N. 175/2013.]

Pursuant to section 15 of the Sixth Schedule to the Constitution as read with sections 23 and 24 of the Transition to Devolved Governments Act, 2012 and further to the Legal Notice No. 16 of 2013, the Transition Authority approves the transfer of the functions specified in the Schedule to the county government of Turkana, with effect from the 9th August, 2013:

Provided that the responsibility for the personnel emoluments related to the discharge of the devolved functions shall be managed by the national government for a period not exceeding six months or as shall be agreed upon between the two levels of government, whichever comes first.

SCHEDULE
1. Agriculture—

- (a) crop husbandry including—
 - (i) provision of agricultural extension services or farmer advisory services;
 - (ii) development and implementation of programmes in the agricultural sector to address food security in the county;
 - (iii) construction of grain storage structures;
 - (iv) enforcement of regulations and standards on quality control of inputs, produce and products from the agricultural sector;
 - (v) availing farm inputs such as certified seeds, fertilizer and other planting materials, such as cassava cutting or potato vines, to farmers;
 - (vi) development of programmes to intervene on soil and water management and conservation of the natural resource base for agriculture;
 - (vii) promotion of market access for agricultural products;
 - (viii) provision of infrastructure to promote agricultural production and marketing as well as agro-processing and value chains;
 - (ix) enhancing accessibility to affordable credit and insurance packages for farmers;
 - (x) management of agricultural training centers and agricultural mechanization stations;
 - (xi) Provided that the management of agricultural training centers and agricultural mechanization station shall be transferred after six months, to enable the requisite structures and mechanisms to be put in place by the Transition Authority;
 - (xii) land development services such as construction of water pans for horticultural production for food security;
 - (xiii) formulation and review of county specific policies;
 - (xiv) developing and enacting legislation and regulatory frameworks for county specific policies; and
 - (xv) implementation of national and county specific policies and legislation;
- (b) animal husbandry including livestock extension services to deliver husbandry technologies to livestock farmers and pastoralists, through farm demonstrations, farmer field days, farmer field schools, agricultural shows, individual farm visits, farmer training courses (residential and non-residential), barazas, farmer tours, posters, brochures or leaflets;

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[Subsidiary]

- (c) plant and animal disease control including carrying out, co-ordinating and overseeing—
 - (i) communal dipping and spraying operations and vaccination campaigns; and
 - (ii) control of plant pests, diseases and noxious weeds that are specific to counties; and
- (d) fisheries including—
 - (i) fisheries extension services;
 - (ii) upscaling seaweed, fin fish and crustacean culture;
 - (iii) county fish seed bulking units;
 - (iv) on-farm trials;
 - (v) fish health certification;
 - (vi) development and maintenance of fish landing stations and jetties, fish auction centers and fish landing fees;
 - (vii) demarcation of all fish breeding areas and fencing of fish landing stations;
 - (viii) fish trade licensing and fish movement permits;
 - (ix) collection of fish production statistics;
 - (x) enforcement of fisheries regulations and compliance with management measures;
 - (xi) implementation of fisheries policy, fisheries management measures and regulation and limiting access to fishing;
 - (xii) fisheries monitoring, control and surveillance; and
 - (xiii) zonation for aquaculture-county specific disease control.

2. County health services—

- (a) county health facilities and pharmacies including—
 - (i) county health facilities including county and sub-county hospitals, rural health centres, dispensaries, rural health training and demonstration centres. Rehabilitation and maintenance of county health facilities including maintenance of vehicles, medical equipment and machinery. Inspection and licensing of medical premises including reporting;
 - (ii) county health pharmacies including specifications, quantification, storage, distribution, dispensing and rational use of medical commodities:

Provided that until alternative intergovernmental arrangements are made, all counties shall procure medical commodities from the Kenya Medical Supplies Authority except where a particular commodity required by a county government is not available at the Kenya Medical Supplies Authority;
- (b) ambulance services including emergency response and patient referral system;
- (c) promotion of primary health care including health education, health promotion, community health services, reproductive health, child health, tuberculosis, HIV, malaria, school health program, environmental health, maternal health care, immunization, disease surveillance, outreach services, referral, nutrition, occupational safety, food and water quality and safety, disease screening, hygiene and sanitation, disease prevention and control, ophthalmic services, clinical services, rehabilitation, mental health, laboratory services, oral health, disaster preparedness and disease outbreak services.

Planning and monitoring, health information system (data collection, collation, analysis and reporting), supportive supervision, patient and health facility records and inventories;

- (d) licensing and control of undertakings that sell food to the public including food safety and control;
- (e) veterinary services to carry out, co-ordinate and oversee veterinary services including clinical services, artificial insemination, and reproductive health management; but excluding regulation of the profession; and
- (f) enforcement of waste management policies, standards and regulations; in particular—
 - (i) refuse removal (garbage) including, provision of waste collection bins, segregation of waste at source, licensing of waste transportation;
 - (ii) refuse dumps including zoning waste operational areas, conducting environmental impact assessment for the siting of dumps, fencing of dumps, controlling fires, monitoring waste characteristics and monitoring of waste water from the dumpsite (leachate); and
 - (iii) solid waste disposal including enforcement of national waste management policies, standards and laws with respect to landfilling, incineration with energy recovery, compositing, recycling and operation of transfer stations.

3. Control of air pollution, noise pollution and other public nuisance including—

- (a) control of noise pollution and other public nuisances;
- (b) licensing for persons exceeding the permissible noise levels; and
- (c) noise mapping and action plan development,

excluding the implementation of nationally set ambient air quality standards.

4. Cultural services, public entertainment and public amenities—

- (a) county betting, casinos and other forms of gambling;
- (b) racing;
- (c) cinemas;
- (d) libraries excluding Kenya National Library Services; and
- (e) museums.

5. County transport including—

- (a) county roads including primary roads linking all sub-county headquarters and minor roads linking markets and administrative centers excluding roads being managed by Kenya Urban Roads Authority, Kenya Rural Roads Authority, Kenya Wildlife Service and Kenya Forest Service;
- (b) mechanical and transport equipment shall be retained by the national government for a period of six months and the Transition Authority shall during that period develop modalities of sharing the mechanical and transport equipment; and
- (c) public road transport on licensing of public service vehicles operations.

6. Trade development and regulation—

- (a) fair trading practices including—
 - (i) verification of weighing and measuring instruments;
 - (ii) inspection of weighing and measuring instruments and pre-packed goods;
 - (iii) investigation of complaints relating to unfair trade practices; and
 - (iv) prosecution of offences arising from unfair trade practices;

[Subsidiary]

- (b) co-operative societies—
 - (i) promotion of co-operative societies;
 - (ii) processing of application for registration;
 - (iii) inspections and investigations;
 - (iv) training needs assessment for co-operative movement;
 - (v) market information dissemination and advisory services;
 - (vi) banking inspections local Savings and Credit Co-operative Societies;
 - (vii) risk assessment in Savings and Credit Co-operative Societies;
 - (viii) investment advisory services;
 - (ix) co-ordination and monitoring of co-operative indemnity by co-operative leaders;
 - (x) promotion of co-operative ventures and innovations for local co-operatives;
 - (xi) carrying out certification audits;
 - (xii) carrying out continuous and compliance audits;
 - (xiii) co-operative advisory services;
 - (xiv) pre-co-operative education;
 - (xv) settlement of disputes (arbitration); and
 - (xvi) registration of co-operative societies audited accounts.

7. County planning and development—

- (a) statistical services including—
 - (i) custodian of official statistics in the county;
 - (ii) maintenance of a comprehensive and reliable county socio-economic database;
 - (iii) quality assurance of statistical information;
 - (iv) collection and compilation of statistical information;
 - (v) analysis of statistical information;
 - (vi) publication and dissemination of statistical information for public use; and
 - (vii) co-ordination, monitoring and supervision of the county statistical system;
- (b) boundaries and fencing including—
 - (i) determination of property boundaries;
 - (ii) solving of property boundary disputes;
 - (iii) showing of property boundaries;
 - (iv) ensuring fencing and development of properties; and
 - (v) finalization of surveying of administrative boundaries within the counties; and
- (c) identification of the renewable energy sites for development, excluding identification and implementation of the rural electrification projects, management of the Rural Electrification Fund and development of isolated diesel stations, which shall be transferred within the transition period as per the Rural Electrification Authority schedules.

8. Village polytechnics.

9. Implementation of specific national government policies on natural resources and environmental conservation—

- (a) soil and water conservation—
 - (i) implementation of county specific water conservation and forestry policies through water resource users;
 - (ii) water pollution control; and
 - (iii) borehole site identification and drilling; and
- (b) forestry including farm forest extension services, forests and game reserves formerly managed by local authorities excluding forests managed by Kenya Forest Service, National Water Towers and private forests.

10. County public works and services—

- (a) public works including designing, documentation, post contracting, project management of construction and maintenance of public buildings and other infrastructural services. Construction of footbridges; and
- (b) water and sanitation services including rural water and sanitation services, provision of water and sanitation service in small and medium towns without formal service providers, water harvesting (specific to counties), urban water and sanitation services with formal service provision including water, sanitation and sewerage companies, excluding Water Service Boards, Water Services Regulatory Board and Water Resources Management Authority.

11. Ensuring and co-ordinating the participation of communities and locations in governance at the local level and assisting communities and locations to develop the administrative capacity for the effective exercise of the functions and powers and participation in governance at the local level.

TRANSFER OF FUNCTIONS, 2013

[L.N. 176/2013.]

Pursuant to section 15 of the Sixth Schedule to the Constitution as read with sections 23 and 24 of the Transition to Devolved Governments Act, 2012 and further to the Legal Notice No. 16 of 2013, the Transition Authority approves the transfer of the functions specified in the Schedule to the county government of West Pokot, with effect from the 9th August, 2013:

Provided that the responsibility for the personnel emoluments related to the discharge of the devolved functions shall be managed by the national government for a period not exceeding six months or as shall be agreed upon between the two levels of government, whichever comes first.

SCHEDULE**1. Agriculture—**

- (a) crop husbandry including—
- (i) provision of agricultural extension services or farmer advisory services;
 - (ii) development and implementation of programmes in the agricultural sector to address food security in the county;
 - (iii) construction of grain storage structures;
 - (iv) enforcement of regulations and standards on quality control of inputs, produce and products from the agricultural sector;
 - (v) availing farm inputs such as certified seeds, fertilizer and other planting materials, such as cassava cutting or potato vines, to farmers;
 - (vi) development of programmes to intervene on soil and water management and conservation of the natural resource base for agriculture;
 - (vii) promotion of market access for agricultural products;
 - (viii) provision of infrastructure to promote agricultural production and marketing as well as agro-processing and value chains;
 - (ix) enhancing accessibility to affordable credit and insurance packages for farmers;
 - (x) management of agricultural training centers and agricultural mechanization stations:

Provided that the management of agricultural training centers and agricultural mechanization station shall be transferred after six months, to enable the requisite structures and mechanisms to be put in place by the Transition Authority;
 - (xi) land development services such as construction of water pans for horticultural production for food security;
 - (xii) formulation and review of county specific policies;
 - (xiii) developing and enacting legislation and regulatory frameworks for county specific policies; and
 - (xiv) implementation of national and county specific policies and legislation;
- (b) animal husbandry including livestock extension services to deliver husbandry technologies to livestock farmers and pastoralists, through farm demonstrations, farmer field days, farmer field schools, agricultural shows, individual farm visits, farmer training courses (residential and non-residential), barazas, farmer tours, posters, brochures or leaflets;

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[Subsidiary]

- (c) plant and animal disease control including carrying out, co-ordinating and overseeing—
 - (i) communal dipping and spraying operations and vaccination campaigns; and
 - (ii) control of plant pests, diseases and noxious weeds that are specific to counties; and
- (d) fisheries including—
 - (i) fisheries extension services;
 - (ii) upscaling seaweed, fin fish and crustacean culture;
 - (iii) county fish seed bulking units;
 - (iv) on-farm trials;
 - (v) fish health certification;
 - (vi) development and maintenance of fish landing stations and jetties, fish auction centers and fish landing fees;
 - (vii) demarcation of all fish breeding areas and fencing of fish landing stations;
 - (viii) fish trade licensing and fish movement permits;
 - (ix) collection of fish production statistics;
 - (x) enforcement of fisheries regulations and compliance with management measures;
 - (xi) implementation of fisheries policy, fisheries management measures and regulation and limiting access to fishing;
 - (xii) fisheries monitoring, control and surveillance; and
 - (xiii) zonation for aquaculture-county specific disease control.

2. County health services—

- (a) county health facilities and pharmacies including—
 - (i) county health facilities including county and sub-county hospitals, rural health centres, dispensaries, rural health training and demonstration centres. Rehabilitation and maintenance of county health facilities including maintenance of vehicles, medical equipment and machinery. Inspection and licensing of medical premises including reporting;
 - (ii) county health pharmacies including specifications, quantification, storage, distribution, dispensing and rational use of medical commodities:

Provided that until alternative intergovernmental arrangements are made, all counties shall procure medical commodities from the Kenya Medical Supplies Authority except where a particular commodity required by a county government is not available at the Kenya Medical Supplies Authority;
- (b) ambulance services including emergency response and patient referral system;
- (c) promotion of primary health care including health education, health promotion, community health services, reproductive health, child health, tuberculosis, HIV, malaria, school health program, environmental health, maternal health care, immunization, disease surveillance, outreach services, referral, nutrition, occupational safety, food and water quality and safety, disease screening, hygiene and sanitation, disease prevention and control, ophthalmic services, clinical services, rehabilitation, mental health, laboratory services, oral health, disaster preparedness and disease outbreak services.

Planning and monitoring, health information system (data collection, collation, analysis and reporting), supportive supervision, patient and health facility records and inventories;

- (d) licensing and control of undertakings that sell food to the public including food safety and control;
- (e) veterinary services to carry out, co-ordinate and oversee veterinary services including clinical services, artificial insemination, and reproductive health management; but excluding regulation of the profession; and
- (f) enforcement of waste management policies, standards and regulations; in particular—
 - (i) refuse removal (garbage) including, provision of waste collection bins, segregation of waste at source, licensing of waste transportation;
 - (ii) refuse dumps including zoning waste operational areas, conducting environmental impact assessment for the siting of dumps, fencing of dumps, controlling fires, monitoring waste characteristics and monitoring of waste water from the dumpsite (leachate); and
 - (iii) solid waste disposal including enforcement of national waste management policies, standards and laws with respect to landfilling, incineration with energy recovery, compositing, recycling and operation of transfer stations.

3. Control of air pollution, noise pollution and other public nuisance including—

- (a) control of noise pollution and other public nuisances;
- (b) licensing for persons exceeding the permissible noise levels; and
- (c) noise mapping and action plan development,

excluding the implementation of nationally set ambient air quality standards.

4. Cultural services, public entertainment and public amenities—

- (a) county betting, casinos and other forms of gambling;
- (b) racing;
- (c) cinemas;
- (d) libraries excluding Kenya National Library Services; and
- (e) museums.

5. County transport including—

- (a) county roads including primary roads linking all sub-county headquarters and minor roads linking markets and administrative centers excluding roads being managed by Kenya Urban Roads Authority, Kenya Rural Roads Authority, Kenya Wildlife Service and Kenya Forest Service;
- (b) mechanical and transport equipment shall be retained by the national government for a period of six months and the Transition Authority shall during that period develop modalities of sharing the mechanical and transport equipment; and
- (c) public road transport on licensing of public service vehicles operations.

6. Trade development and regulation—

- (a) fair trading practices including—
 - (i) verification of weighing and measuring instruments;
 - (ii) inspection of weighing and measuring instruments and pre-packed goods;
 - (iii) investigation of complaints relating to unfair trade practices; and
 - (iv) prosecution of offences arising from unfair trade practices;

[Subsidiary]

- (b) co-operative societies—
 - (i) promotion of co-operative societies;
 - (ii) processing of application for registration;
 - (iii) inspections and investigations;
 - (iv) training needs assessment for co-operative movement;
 - (v) market information dissemination and advisory services;
 - (vi) banking inspections local Savings and Credit Co-operative Societies;
 - (vii) risk assessment in Savings and Credit Co-operative Societies;
 - (viii) investment advisory services;
 - (ix) co-ordination and monitoring of co-operative indemnity by co-operative leaders;
 - (x) promotion of co-operative ventures and innovations for local co-operatives;
 - (xi) carrying out certification audits;
 - (xii) carrying out continuous and compliance audits;
 - (xiii) co-operative advisory services;
 - (xiv) pre-co-operative education;
 - (xv) settlement of disputes (arbitration); and
 - (xvi) registration of co-operative societies audited accounts.

7. County planning and development—

- (a) statistical services including—
 - (i) custodian of official statistics in the county;
 - (ii) maintenance of a comprehensive and reliable county socio-economic database;
 - (iii) quality assurance of statistical information;
 - (iv) collection and compilation of statistical information;
 - (v) analysis of statistical information;
 - (vi) publication and dissemination of statistical information for public use; and
 - (vii) co-ordination, monitoring and supervision of the county statistical system;
- (b) boundaries and fencing including—
 - (i) determination of property boundaries;
 - (ii) solving of property boundary disputes;
 - (iii) showing of property boundaries;
 - (iv) ensuring fencing and development of properties; and
 - (v) finalization of surveying of administrative boundaries within the counties; and
- (c) identification of the renewable energy sites for development, excluding identification and implementation of the rural electrification projects, management of the Rural Electrification Fund and development of isolated diesel stations, which shall be transferred within the transition period as per the Rural Electrification Authority schedules.

8. Village polytechnics.

9. Implementation of specific national government policies on natural resources and environmental conservation—

- (a) soil and water conservation—
 - (i) implementation of county specific water conservation and forestry policies through water resource users;
 - (ii) water pollution control; and
 - (iii) borehole site identification and drilling; and
- (b) forestry including farm forest extension services, forests and game reserves formerly managed by local authorities excluding forests managed by Kenya Forest Service, National Water Towers and private forests.

10 County public works and services—

- (i) public works including designing, documentation, post contracting, project management of construction and maintenance of public buildings and other infrastructural services. Construction of footbridges; and
- (ii) water and sanitation services including rural water and sanitation services, provision of water and sanitation service in small and medium towns without formal service providers, water harvesting (specific to counties), urban water and sanitation services with formal service provision including water, sanitation and sewerage companies, excluding Water Service Boards, Water Services Regulatory Board and Water Resources Management Authority.

11. Ensuring and co-ordinating the participation of communities and locations in governance at the local level and assisting communities and locations to develop the administrative capacity for the effective exercise of the functions and powers and participation in governance at the local level.

TRANSFER OF FUNCTIONS, 2013

[L.N. 177/2013.]

Pursuant to section 15 of the Sixth Schedule to the Constitution as read with sections 23 and 24 of the Transition to Devolved Governments Act, 2012 and further to the Legal Notice No. 16 of 2013, the Transition Authority approves the transfer of the functions specified in the Schedule to the county government of Nairobi City, with effect from the 9th August, 2013:

Provided that the responsibility for the personnel emoluments related to the discharge of the devolved functions shall be managed by the national government for a period not exceeding six months or as shall be agreed upon between the two levels of government, whichever comes first.

SCHEDULE**1. Agriculture—**

- (a) crop husbandry including—
- (i) provision of agricultural extension services or farmer advisory services;
 - (ii) development and implementation of programmes in the agricultural sector to address food security in the county;
 - (iii) construction of grain storage structures;
 - (iv) enforcement of regulations and standards on quality control of inputs, produce and products from the agricultural sector;
 - (v) availing farm inputs such as certified seeds, fertilizer and other planting materials, such as cassava cutting or potato vines, to farmers;
 - (vi) development of programmes to intervene on soil and water management and conservation of the natural resource base for agriculture;
 - (vii) promotion of market access for agricultural products;
 - (viii) provision of infrastructure to promote agricultural production and marketing as well as agro-processing and value chains;
 - (ix) enhancing accessibility to affordable credit and insurance packages for farmers;
 - (x) management of agricultural training centers and agricultural mechanization stations:

Provided that the management of agricultural training centers and agricultural mechanization station shall be transferred after six months, to enable the requisite structures and mechanisms to be put in place by the Transition Authority;
 - (xi) land development services such as construction of water pans for horticultural production for food security;
 - (xii) formulation and review of county specific policies;
 - (xiii) developing and enacting legislation and regulatory frameworks for county specific policies; and
 - (xiv) implementation of national and county specific policies and legislation;
- (b) animal husbandry including livestock extension services to deliver husbandry technologies to livestock farmers and pastoralists, through farm demonstrations, farmer field days, farmer field schools, agricultural shows, individual farm visits, farmer training courses (residential and non-residential), barazas, farmer tours, posters, brochures or leaflets;

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- (c) plant and animal disease control including carrying out, co-ordinating and overseeing—
 - (i) communal dipping and spraying operations and vaccination campaigns; and
 - (ii) control of plant pests, diseases and noxious weeds that are specific to counties; and
- (d) fisheries including—
 - (i) fisheries extension services;
 - (ii) upscaling seaweed, fin fish and crustacean culture;
 - (iii) county fish seed bulking units;
 - (iv) on-farm trials;
 - (v) fish health certification;
 - (vi) development and maintenance of fish landing stations and jetties, fish auction centers and fish landing fees;
 - (vii) demarcation of all fish breeding areas and fencing of fish landing stations;
 - (viii) fish trade licensing and fish movement permits;
 - (ix) collection of fish production statistics;
 - (x) enforcement of fisheries regulations and compliance with management measures;
 - (xi) implementation of fisheries policy, fisheries management measures and regulation and limiting access to fishing;
 - (xii) fisheries monitoring, control and surveillance; and
 - (xiii) zonation for aquaculture-county specific disease control.

2. County health services—

- (a) county health facilities and pharmacies including—
 - (i) county health facilities including county and sub-county hospitals, rural health centres, dispensaries, rural health training and demonstration centres. Rehabilitation and maintenance of county health facilities including maintenance of vehicles, medical equipment and machinery. Inspection and licensing of medical premises including reporting;
 - (ii) county health pharmacies including specifications, quantification, storage, distribution, dispensing and rational use of medical commodities:

Provided that until alternative intergovernmental arrangements are made, all counties shall procure medical commodities from the Kenya Medical Supplies Authority except where a particular commodity required by a county government is not available at the Kenya Medical Supplies Authority;
- (b) ambulance services including emergency response and patient referral system;
- (c) promotion of primary health care including health education, health promotion, community health services, reproductive health, child health, tuberculosis, HIV, malaria, school health program, environmental health, maternal health care, immunization, disease surveillance, outreach services, referral, nutrition, occupational safety, food and water quality and safety, disease screening, hygiene and sanitation, disease prevention and control, ophthalmic services, clinical services, rehabilitation, mental health, laboratory services, oral health, disaster preparedness and disease outbreak services.

Planning and monitoring, health information system (data collection, collation, analysis and reporting), supportive supervision, patient and health facility records and inventories;

- (d) licensing and control of undertakings that sell food to the public including food safety and control;
- (e) veterinary services to carry out, co-ordinate and oversee veterinary services including clinical services, artificial insemination, and reproductive health management; but excluding regulation of the profession; and
- (f) enforcement of waste management policies, standards and regulations; in particular—
 - (i) refuse removal (garbage) including, provision of waste collection bins, segregation of waste at source, licensing of waste transportation;
 - (ii) refuse dumps including zoning waste operational areas, conducting environmental impact assessment for the siting of dumps, fencing of dumps, controlling fires, monitoring waste characteristics and monitoring of waste water from the dumpsite (leachate); and
 - (iii) solid waste disposal including enforcement of national waste management policies, standards and laws with respect to landfilling, incineration with energy recovery, compositing, recycling and operation of transfer stations.

3. Control of air pollution, noise pollution and other public nuisance including—

- (a) control of noise pollution and other public nuisances;
- (b) licensing for persons exceeding the permissible noise levels; and
- (c) noise mapping and action plan development,

excluding the implementation of nationally set ambient air quality standards.

4. Cultural services, public entertainment and public amenities—

- (a) county betting, casinos and other forms of gambling;
- (b) racing;
- (c) cinemas;
- (d) libraries excluding Kenya National Library Services; and
- (e) museums.

5. County transport including—

- (a) county roads including primary roads linking all sub-county headquarters and minor roads linking markets and administrative centers excluding roads being managed by Kenya Urban Roads Authority, Kenya Rural Roads Authority, Kenya Wildlife Service and Kenya Forest Service;
- (b) mechanical and transport equipment shall be retained by the national government for a period of six months and the Transition Authority shall during that period develop modalities of sharing the mechanical and transport equipment; and
- (c) public road transport on licensing of public service vehicles operations.

6. Trade development and regulation—

- (a) fair trading practices including—
 - (i) verification of weighing and measuring instruments;
 - (ii) inspection of weighing and measuring instruments and pre-packed goods;
 - (iii) investigation of complaints relating to unfair trade practices; and
 - (iv) prosecution of offences arising from unfair trade practices;

[Subsidiary]

- (b) co-operative societies—
 - (i) promotion of co-operative societies;
 - (ii) processing of application for registration;
 - (iii) inspections and investigations;
 - (iv) training needs assessment for co-operative movement;
 - (v) market information dissemination and advisory services;
 - (vi) banking inspections local Savings and Credit Co-operative Societies;
 - (vii) risk assessment in Savings and Credit Co-operative Societies;
 - (viii) investment advisory services;
 - (ix) co-ordination and monitoring of co-operative indemnity by co-operative leaders;
 - (x) promotion of co-operative ventures and innovations for local co-operatives;
 - (xi) carrying out certification audits;
 - (xii) carrying out continuous and compliance audits;
 - (xiii) co-operative advisory services;
 - (xiv) pre-co-operative education;
 - (xv) settlement of disputes (arbitration); and
 - (xvi) registration of co-operative societies audited accounts.

7. County planning and development—

- (a) statistical services including—
 - (i) custodian of official statistics in the county;
 - (ii) maintenance of a comprehensive and reliable county socio-economic database;
 - (iii) quality assurance of statistical information;
 - (iv) collection and compilation of statistical information;
 - (v) analysis of statistical information;
 - (vi) publication and dissemination of statistical information for public use; and
 - (vii) co-ordination, monitoring and supervision of the county statistical system;
- (b) boundaries and fencing including—
 - (i) determination of property boundaries;
 - (ii) solving of property boundary disputes;
 - (iii) showing of property boundaries;
 - (iv) ensuring fencing and development of properties; and
 - (v) finalization of surveying of administrative boundaries within the counties; and
- (c) identification of the renewable energy sites for development, excluding identification and implementation of the rural electrification projects, management of the Rural Electrification Fund and development of isolated diesel stations, which shall be transferred within the transition period as per the Rural Electrification Authority schedules.

8. Village polytechnics.

- 9.** Implementation of specific national government policies on natural resources and environmental conservation—
- (a) soil and water conservation—
 - (i) implementation of county specific water conservation and forestry policies through water resource users;
 - (ii) water pollution control; and
 - (iii) borehole site identification and drilling; and
 - (b) forestry including farm forest extension services, forests and game reserves formerly managed by local authorities excluding forests managed by Kenya Forest Service, National Water Towers and private forests.
- 10.** County public works and services—
- (a) public works including designing, documentation, post contracting, project management of construction and maintenance of public buildings and other infrastructural services. Construction of footbridges; and
 - (b) water and sanitation services including rural water and sanitation services, provision of water and sanitation service in small and medium towns without formal service providers, water harvesting (specific to counties), urban water and sanitation services with formal service provision including water, sanitation and sewerage companies, excluding Water Service Boards, Water Services Regulatory Board and Water Resources Management Authority.
- 11.** Ensuring and co-ordinating the participation of communities and locations in governance at the local level and assisting communities and locations to develop the administrative capacity for the effective exercise of the functions and powers and participation in governance at the local level.
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TRANSFER OF FUNCTIONS, 2013

[L.N. 178/2013.]

Pursuant to section 15 of the Sixth Schedule to the Constitution as read with sections 23 and 24 of the Transition to Devolved Governments Act, 2012 and further to the Legal Notice No. 16 of 2013, the Transition Authority approves the transfer of the functions specified in the Schedule to the county government of Muranga, with effect from the 9th August, 2013:

Provided that the responsibility for the personnel emoluments related to the discharge of the devolved functions shall be managed by the national government for a period not exceeding six months or as shall be agreed upon between the two levels of government, whichever comes first.

SCHEDULE**1. Agriculture—**

- (a) crop husbandry including—
- (i) provision of agricultural extension services or farmer advisory services;
 - (ii) development and implementation of programmes in the agricultural sector to address food security in the county;
 - (iii) construction of grain storage structures;
 - (iv) enforcement of regulations and standards on quality control of inputs, produce and products from the agricultural sector;
 - (v) availing farm inputs such as certified seeds, fertilizer and other planting materials, such as cassava cutting or potato vines, to farmers;
 - (vi) development of programmes to intervene on soil and water management and conservation of the natural resource base for agriculture;
 - (vii) promotion of market access for agricultural products;
 - (viii) provision of infrastructure to promote agricultural production and marketing as well as agro-processing and value chains;
 - (ix) enhancing accessibility to affordable credit and insurance packages for farmers;
 - (x) management of agricultural training centers and agricultural mechanization stations:

Provided that the management of agricultural training centers and agricultural mechanization station shall be transferred after six months, to enable the requisite structures and mechanisms to be put in place by the Transition Authority;
 - (xi) land development services such as construction of water pans for horticultural production for food security;
 - (xii) formulation and review of county specific policies;
 - (xiii) developing and enacting legislation and regulatory frameworks for county specific policies; and
 - (xiv) implementation of national and county specific policies and legislation;
- (b) animal husbandry including livestock extension services to deliver husbandry technologies to livestock farmers and pastoralists, through farm demonstrations, farmer field days, farmer field schools, agricultural shows, individual farm visits, farmer training courses (residential and non-residential), barazas, farmer tours, posters, brochures or leaflets;

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[Subsidiary]

- (c) plant and animal disease control including carrying out, co-ordinating and overseeing—
 - (i) communal dipping and spraying operations and vaccination campaigns; and
 - (ii) control of plant pests, diseases and noxious weeds that are specific to counties; and
- (d) fisheries including—
 - (i) fisheries extension services;
 - (ii) upscaling seaweed, fin fish and crustacean culture;
 - (iii) county fish seed bulking units;
 - (iv) on-farm trials;
 - (v) fish health certification;
 - (vi) development and maintenance of fish landing stations and jetties, fish auction centers and fish landing fees;
 - (vii) demarcation of all fish breeding areas and fencing of fish landing stations;
 - (viii) fish trade licensing and fish movement permits;
 - (ix) collection of fish production statistics;
 - (x) enforcement of fisheries regulations and compliance with management measures;
 - (xi) implementation of fisheries policy, fisheries management measures and regulation and limiting access to fishing;
 - (xii) fisheries monitoring, control and surveillance; and
 - (xiii) zonation for aquaculture-county specific disease control.

2. County health services—

- (a) county health facilities and pharmacies including—
 - (i) county health facilities including county and sub-county hospitals, rural health centres, dispensaries, rural health training and demonstration centres. Rehabilitation and maintenance of county health facilities including maintenance of vehicles, medical equipment and machinery. Inspection and licensing of medical premises including reporting;
 - (ii) county health pharmacies including specifications, quantification, storage, distribution, dispensing and rational use of medical commodities:

Provided that until alternative intergovernmental arrangements are made, all counties shall procure medical commodities from the Kenya Medical Supplies Authority except where a particular commodity required by a county government is not available at the Kenya Medical Supplies Authority;
- (b) ambulance services including emergency response and patient referral system;
- (c) promotion of primary health care including health education, health promotion, community health services, reproductive health, child health, tuberculosis, HIV, malaria, school health program, environmental health, maternal health care, immunization, disease surveillance, outreach services, referral, nutrition, occupational safety, food and water quality and safety, disease screening, hygiene and sanitation, disease prevention and control, ophthalmic services, clinical services, rehabilitation, mental health, laboratory services, oral health, disaster preparedness and disease outbreak services.

Planning and monitoring, health information system (data collection, collation, analysis and reporting), supportive supervision, patient and health facility records and inventories;

- (d) licensing and control of undertakings that sell food to the public including food safety and control;
- (e) veterinary services to carry out, co-ordinate and oversee veterinary services including clinical services, artificial insemination, and reproductive health management; but excluding regulation of the profession; and
- (f) enforcement of waste management policies, standards and regulations; in particular—
 - (i) refuse removal (garbage) including, provision of waste collection bins, segregation of waste at source, licensing of waste transportation;
 - (ii) refuse dumps including zoning waste operational areas, conducting environmental impact assessment for the siting of dumps, fencing of dumps, controlling fires, monitoring waste characteristics and monitoring of waste water from the dumpsite (leachate); and
 - (iii) solid waste disposal including enforcement of national waste management policies, standards and laws with respect to landfilling, incineration with energy recovery, compositing, recycling and operation of transfer stations.

3. Control of air pollution, noise pollution and other public nuisance including—

- (a) control of noise pollution and other public nuisances;
- (b) licensing for persons exceeding the permissible noise levels; and
- (c) noise mapping and action plan development,

excluding the implementation of nationally set ambient air quality standards.

4. Cultural services, public entertainment and public amenities—

- (a) county betting, casinos and other forms of gambling;
- (b) racing;
- (c) cinemas;
- (d) libraries excluding Kenya National Library Services; and
- (e) museums.

5. County transport including—

- (a) county roads including primary roads linking all sub-county headquarters and minor roads linking markets and administrative centers excluding roads being managed by Kenya Urban Roads Authority, Kenya Rural Roads Authority, Kenya Wildlife Service and Kenya Forest Service;
- (b) mechanical and transport equipment shall be retained by the national government for a period of six months and the Transition Authority shall during that period develop modalities of sharing the mechanical and transport equipment; and
- (c) public road transport on licensing of public service vehicles operations.

6. Trade development and regulation—

- (a) fair trading practices including—
 - (i) verification of weighing and measuring instruments;
 - (ii) inspection of weighing and measuring instruments and pre-packed goods;
 - (iii) investigation of complaints relating to unfair trade practices; and
 - (iv) prosecution of offences arising from unfair trade practices;

[Subsidiary]

- (b) co-operative societies—
 - (i) promotion of co-operative societies;
 - (ii) processing of application for registration;
 - (iii) inspections and investigations;
 - (iv) training needs assessment for co-operative movement;
 - (v) market information dissemination and advisory services;
 - (vi) banking inspections local Savings and Credit Co-operative Societies;
 - (vii) risk assessment in Savings and Credit Co-operative Societies;
 - (viii) investment advisory services;
 - (ix) co-ordination and monitoring of co-operative indemnity by co-operative leaders;
 - (x) promotion of co-operative ventures and innovations for local co-operatives;
 - (xi) carrying out certification audits;
 - (xii) carrying out continuous and compliance audits;
 - (xiii) co-operative advisory services;
 - (xiv) pre-co-operative education;
 - (xv) settlement of disputes (arbitration); and
 - (xvi) registration of co-operative societies audited accounts.

7. County planning and development—

- (a) statistical services including—
 - (i) custodian of official statistics in the county;
 - (ii) maintenance of a comprehensive and reliable county socio-economic database;
 - (iii) quality assurance of statistical information;
 - (iv) collection and compilation of statistical information;
 - (v) analysis of statistical information;
 - (vi) publication and dissemination of statistical information for public use; and
 - (vii) co-ordination, monitoring and supervision of the county statistical system;
- (b) boundaries and fencing including—
 - (i) determination of property boundaries;
 - (ii) solving of property boundary disputes;
 - (iii) showing of property boundaries;
 - (iv) ensuring fencing and development of properties; and
 - (v) finalization of surveying of administrative boundaries within the counties; and
- (c) identification of the renewable energy sites for development, excluding identification and implementation of the rural electrification projects, management of the Rural Electrification Fund and development of isolated diesel stations, which shall be transferred within the transition period as per the Rural Electrification Authority schedules.

8. Village polytechnics.

9. Implementation of specific national government policies on natural resources and environmental conservation—

- (a) soil and water conservation—
 - (i) implementation of county specific water conservation and forestry policies through water resource users;
 - (ii) water pollution control; and
 - (iii) borehole site identification and drilling; and
- (b) forestry including farm forest extension services, forests and game reserves formerly managed by local authorities excluding forests managed by Kenya Forest Service, National Water Towers and private forests.

10. County public works and services—

- (a) public works including designing, documentation, post contracting, project management of construction and maintenance of public buildings and other infrastructural services. Construction of footbridges; and
- (b) water and sanitation services including rural water and sanitation services, provision of water and sanitation service in small and medium towns without formal service providers, water harvesting (specific to counties), urban water and sanitation services with formal service provision including water, sanitation and sewerage companies, excluding Water Service Boards, Water Services Regulatory Board and Water Resources Management Authority.

11. Ensuring and co-ordinating the participation of communities and locations in governance at the local level and assisting communities and locations to develop the administrative capacity for the effective exercise of the functions and powers and participation in governance at the local level.

TRANSFER OF FUNCTIONS, 2013

[L.N. 179/2013.]

Pursuant to section 15 of the Sixth Schedule to the Constitution as read with sections 23 and 24 of the Transition to Devolved Governments Act, 2012 and further to the Legal Notice No. 16 of 2013, the Transition Authority approves the transfer of the functions specified in the Schedule to the county government of Narok, with effect from the 9th August, 2013:

Provided that the responsibility for the personnel emoluments related to the discharge of the devolved functions shall be managed by the national government for a period not exceeding six months or as shall be agreed upon between the two levels of government, whichever comes first.

SCHEDULE**1. Agriculture—**

- (a) crop husbandry including—
- (i) provision of agricultural extension services or farmer advisory services;
 - (ii) development and implementation of programmes in the agricultural sector to address food security in the county;
 - (iii) construction of grain storage structures;
 - (iv) enforcement of regulations and standards on quality control of inputs, produce and products from the agricultural sector;
 - (v) availing farm inputs such as certified seeds, fertilizer and other planting materials, such as cassava cutting or potato vines, to farmers;
 - (vi) development of programmes to intervene on soil and water management and conservation of the natural resource base for agriculture;
 - (vii) promotion of market access for agricultural products;
 - (viii) provision of infrastructure to promote agricultural production and marketing as well as agro-processing and value chains;
 - (ix) enhancing accessibility to affordable credit and insurance packages for farmers;
 - (x) management of agricultural training centers and agricultural mechanization stations:

Provided that the management of agricultural training centers and agricultural mechanization station shall be transferred after six months, to enable the requisite structures and mechanisms to be put in place by the Transition Authority;
 - (xi) land development services such as construction of water pans for horticultural production for food security;
 - (xii) formulation and review of county specific policies;
 - (xiii) developing and enacting legislation and regulatory frameworks for county specific policies; and
 - (xiv) implementation of national and county specific policies and legislation;
- (b) animal husbandry including livestock extension services to deliver husbandry technologies to livestock farmers and pastoralists, through farm demonstrations, farmer field days, farmer field schools, agricultural shows, individual farm visits, farmer training courses (residential and non-residential), barazas, farmer tours, posters, brochures or leaflets;

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- (c) plant and animal disease control including carrying out, co-ordinating and overseeing—
 - (i) communal dipping and spraying operations and vaccination campaigns; and
 - (ii) control of plant pests, diseases and noxious weeds that are specific to counties; and
- (d) fisheries including—
 - (i) fisheries extension services;
 - (ii) upscaling seaweed, fin fish and crustacean culture;
 - (iii) county fish seed bulking units;
 - (iv) on-farm trials;
 - (v) fish health certification;
 - (vi) development and maintenance of fish landing stations and jetties, fish auction centers and fish landing fees;
 - (vii) demarcation of all fish breeding areas and fencing of fish landing stations;
 - (viii) fish trade licensing and fish movement permits;
 - (ix) collection of fish production statistics;
 - (x) enforcement of fisheries regulations and compliance with management measures;
 - (xi) implementation of fisheries policy, fisheries management measures and regulation and limiting access to fishing;
 - (xii) fisheries monitoring, control and surveillance; and
 - (xiii) zonation for aquaculture-county specific disease control.

2. County health services—

- (a) county health facilities and pharmacies including—
 - (i) county health facilities including county and sub-county hospitals, rural health centres, dispensaries, rural health training and demonstration centres. Rehabilitation and maintenance of county health facilities including maintenance of vehicles, medical equipment and machinery. Inspection and licensing of medical premises including reporting;
 - (ii) county health pharmacies including specifications, quantification, storage, distribution, dispensing and rational use of medical commodities:

Provided that until alternative intergovernmental arrangements are made, all counties shall procure medical commodities from the Kenya Medical Supplies Authority except where a particular commodity required by a county government is not available at the Kenya Medical Supplies Authority;
- (b) ambulance services including emergency response and patient referral system;
- (c) promotion of primary health care including health education, health promotion, community health services, reproductive health, child health, tuberculosis, HIV, malaria, school health program, environmental health, maternal health care, immunization, disease surveillance, outreach services, referral, nutrition, occupational safety, food and water quality and safety, disease screening, hygiene and sanitation, disease prevention and control, ophthalmic services, clinical services, rehabilitation, mental health, laboratory services, oral health, disaster preparedness and disease outbreak services.

Planning and monitoring, health information system (data collection, collation, analysis and reporting), supportive supervision, patient and health facility records and inventories;

- (d) licensing and control of undertakings that sell food to the public including food safety and control;
- (e) veterinary services to carry out, co-ordinate and oversee veterinary services including clinical services, artificial insemination, and reproductive health management; but excluding regulation of the profession; and
- (f) enforcement of waste management policies, standards and regulations; in particular—
 - (i) refuse removal (garbage) including, provision of waste collection bins, segregation of waste at source, licensing of waste transportation;
 - (ii) refuse dumps including zoning waste operational areas, conducting environmental impact assessment for the siting of dumps, fencing of dumps, controlling fires, monitoring waste characteristics and monitoring of waste water from the dumpsite (leachate); and
 - (iii) solid waste disposal including enforcement of national waste management policies, standards and laws with respect to landfilling, incineration with energy recovery, compositing, recycling and operation of transfer stations.

3. Control of air pollution, noise pollution and other public nuisance including—

- (a) control of noise pollution and other public nuisances;
- (b) licensing for persons exceeding the permissible noise levels; and
- (c) noise mapping and action plan development,

excluding the implementation of nationally set ambient air quality standards.

4. Cultural services, public entertainment and public amenities—

- (a) county betting, casinos and other forms of gambling;
- (b) racing;
- (c) cinemas;
- (d) libraries excluding Kenya National Library Services; and
- (e) museums.

5. County transport including—

- (a) county roads including primary roads linking all sub-county headquarters and minor roads linking markets and administrative centers excluding roads being managed by Kenya Urban Roads Authority, Kenya Rural Roads Authority, Kenya Wildlife Service and Kenya Forest Service;
- (b) mechanical and transport equipment shall be retained by the national government for a period of six months and the Transition Authority shall during that period develop modalities of sharing the mechanical and transport equipment; and
- (c) public road transport on licensing of public service vehicles operations.

6. Trade development and regulation—

- (a) fair trading practices including—
 - (i) verification of weighing and measuring instruments;
 - (ii) inspection of weighing and measuring instruments and pre-packed goods;
 - (iii) investigation of complaints relating to unfair trade practices; and
 - (iv) prosecution of offences arising from unfair trade practices;

[Subsidiary]

- (b) co-operative societies—
 - (i) promotion of co-operative societies;
 - (ii) processing of application for registration;
 - (iii) inspections and investigations;
 - (iv) training needs assessment for co-operative movement;
 - (v) market information dissemination and advisory services;
 - (vi) banking inspections local Savings and Credit Co-operative Societies;
 - (vii) risk assessment in Savings and Credit Co-operative Societies;
 - (viii) investment advisory services;
 - (ix) co-ordination and monitoring of co-operative indemnity by co-operative leaders;
 - (x) promotion of co-operative ventures and innovations for local co-operatives;
 - (xi) carrying out certification audits;
 - (xii) carrying out continuous and compliance audits;
 - (xiii) co-operative advisory services;
 - (xiv) pre-co-operative education;
 - (xv) settlement of disputes (arbitration); and
 - (xvi) registration of co-operative societies audited accounts.

7. County planning and development—

- (a) statistical services including—
 - (i) custodian of official statistics in the county;
 - (ii) maintenance of a comprehensive and reliable county socio-economic database;
 - (iii) quality assurance of statistical information;
 - (iv) collection and compilation of statistical information;
 - (v) analysis of statistical information;
 - (vi) publication and dissemination of statistical information for public use; and
 - (vii) co-ordination, monitoring and supervision of the county statistical system;
- (b) boundaries and fencing including—
 - (i) determination of property boundaries;
 - (ii) solving of property boundary disputes;
 - (iii) showing of property boundaries;
 - (iv) ensuring fencing and development of properties; and
 - (v) finalization of surveying of administrative boundaries within the counties; and
- (c) identification of the renewable energy sites for development, excluding identification and implementation of the rural electrification projects, management of the Rural Electrification Fund and development of isolated diesel stations, which shall be transferred within the transition period as per the Rural Electrification Authority schedules.

8. Village polytechnics.

9. Implementation of specific national government policies on natural resources and environmental conservation—

- (a) soil and water conservation—
 - (i) implementation of county specific water conservation and forestry policies through water resource users;
 - (ii) water pollution control; and
 - (iii) borehole site identification and drilling; and
- (b) forestry including farm forest extension services, forests and game reserves formerly managed by local authorities excluding forests managed by Kenya Forest Service, National Water Towers and private forests.

10. County public works and services—

- (i) public works including designing, documentation, post contracting, project management of construction and maintenance of public buildings and other infrastructural services. Construction of footbridges; and
- (ii) water and sanitation services including rural water and sanitation services, provision of water and sanitation service in small and medium towns without formal service providers, water harvesting (specific to counties), urban water and sanitation services with formal service provision including water, sanitation and sewerage companies, excluding Water Service Boards, Water Services Regulatory Board and Water Resources Management Authority.

11. Ensuring and co-ordinating the participation of communities and locations in governance at the local level and assisting communities and locations to develop the administrative capacity for the effective exercise of the functions and powers and participation in governance at the local level.

TRANSFER OF FUNCTIONS, 2013

[L.N. 180/2013.]

Pursuant to section 15 of the Sixth Schedule to the Constitution as read with sections 23 and 24 of the Transition to Devolved Governments Act, 2012 and further to the Legal Notice No. 16 of 2013, the Transition Authority approves the transfer of the functions specified in the Schedule to the county government of Nyandarua, with effect from the 9th August, 2013:

Provided that the responsibility for the personnel emoluments related to the discharge of the devolved functions shall be managed by the national government for a period not exceeding six months or as shall be agreed upon between the two levels of government, whichever comes first.

SCHEDULE**1. Agriculture—**

- (a) crop husbandry including—
- (i) provision of agricultural extension services or farmer advisory services;
 - (ii) development and implementation of programmes in the agricultural sector to address food security in the county;
 - (iii) construction of grain storage structures;
 - (iv) enforcement of regulations and standards on quality control of inputs, produce and products from the agricultural sector;
 - (v) availing farm inputs such as certified seeds, fertilizer and other planting materials, such as cassava cutting or potato vines, to farmers;
 - (vi) development of programmes to intervene on soil and water management and conservation of the natural resource base for agriculture;
 - (vii) promotion of market access for agricultural products;
 - (viii) provision of infrastructure to promote agricultural production and marketing as well as agro-processing and value chains;
 - (ix) enhancing accessibility to affordable credit and insurance packages for farmers;
 - (x) management of agricultural training centers and agricultural mechanization stations:

Provided that the management of agricultural training centers and agricultural mechanization station shall be transferred after six months, to enable the requisite structures and mechanisms to be put in place by the Transition Authority;
 - (xi) land development services such as construction of water pans for horticultural production for food security;
 - (xii) formulation and review of county specific policies;
 - (xiii) developing and enacting legislation and regulatory frameworks for county specific policies; and
 - (xiv) implementation of national and county specific policies and legislation;
- (b) animal husbandry including livestock extension services to deliver husbandry technologies to livestock farmers and pastoralists, through farm demonstrations, farmer field days, farmer field schools, agricultural shows, individual farm visits, farmer training courses (residential and non-residential), barazas, farmer tours, posters, brochures or leaflets;

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[Subsidiary]

- (c) plant and animal disease control including carrying out, co-ordinating and overseeing—
 - (i) communal dipping and spraying operations and vaccination campaigns; and
 - (ii) control of plant pests, diseases and noxious weeds that are specific to counties; and
- (d) fisheries including—
 - (i) fisheries extension services;
 - (ii) upscaling seaweed, fin fish and crustacean culture;
 - (iii) county fish seed bulking units;
 - (iv) on-farm trials;
 - (v) fish health certification;
 - (vi) development and maintenance of fish landing stations and jetties, fish auction centers and fish landing fees;
 - (vii) demarcation of all fish breeding areas and fencing of fish landing stations;
 - (viii) fish trade licensing and fish movement permits;
 - (ix) collection of fish production statistics;
 - (x) enforcement of fisheries regulations and compliance with management measures;
 - (xi) implementation of fisheries policy, fisheries management measures and regulation and limiting access to fishing;
 - (xii) fisheries monitoring, control and surveillance; and
 - (xiii) zonation for aquaculture-county specific disease control.

2. County health services—

- (a) county health facilities and pharmacies including—
 - (i) county health facilities including county and sub-county hospitals, rural health centres, dispensaries, rural health training and demonstration centres. Rehabilitation and maintenance of county health facilities including maintenance of vehicles, medical equipment and machinery. Inspection and licensing of medical premises including reporting;
 - (ii) county health pharmacies including specifications, quantification, storage, distribution, dispensing and rational use of medical commodities:

Provided that until alternative intergovernmental arrangements are made, all counties shall procure medical commodities from the Kenya Medical Supplies Authority except where a particular commodity required by a county government is not available at the Kenya Medical Supplies Authority;
- (b) ambulance services including emergency response and patient referral system;
- (c) promotion of primary health care including health education, health promotion, community health services, reproductive health, child health, tuberculosis, HIV, malaria, school health program, environmental health, maternal health care, immunization, disease surveillance, outreach services, referral, nutrition, occupational safety, food and water quality and safety, disease screening, hygiene and sanitation, disease prevention and control, ophthalmic services, clinical services, rehabilitation, mental health, laboratory services, oral health, disaster preparedness and disease outbreak services.

Planning and monitoring, health information system (data collection, collation, analysis and reporting), supportive supervision, patient and health facility records and inventories;

- (d) licensing and control of undertakings that sell food to the public including food safety and control;
- (e) veterinary services to carry out, co-ordinate and oversee veterinary services including clinical services, artificial insemination, and reproductive health management; but excluding regulation of the profession; and
- (f) enforcement of waste management policies, standards and regulations; in particular—
 - (i) refuse removal (garbage) including, provision of waste collection bins, segregation of waste at source, licensing of waste transportation;
 - (ii) refuse dumps including zoning waste operational areas, conducting environmental impact assessment for the siting of dumps, fencing of dumps, controlling fires, monitoring waste characteristics and monitoring of waste water from the dumpsite (leachate); and
 - (iii) solid waste disposal including enforcement of national waste management policies, standards and laws with respect to landfilling, incineration with energy recovery, compositing, recycling and operation of transfer stations.

3. Control of air pollution, noise pollution and other public nuisance including—

- (a) control of noise pollution and other public nuisances;
- (b) licensing for persons exceeding the permissible noise levels; and
- (c) noise mapping and action plan development,

excluding the implementation of nationally set ambient air quality standards.

4. Cultural services, public entertainment and public amenities—

- (a) county betting, casinos and other forms of gambling;
- (b) racing;
- (c) cinemas;
- (d) libraries excluding Kenya National Library Services; and
- (e) museums.

5. County transport including—

- (a) county roads including primary roads linking all sub-county headquarters and minor roads linking markets and administrative centers excluding roads being managed by Kenya Urban Roads Authority, Kenya Rural Roads Authority, Kenya Wildlife Service and Kenya Forest Service;
- (b) mechanical and transport equipment shall be retained by the national government for a period of six months and the Transition Authority shall during that period develop modalities of sharing the mechanical and transport equipment; and
- (c) public road transport on licensing of public service vehicles operations.

6. Trade development and regulation—

- (a) fair trading practices including—
 - (i) verification of weighing and measuring instruments;
 - (ii) inspection of weighing and measuring instruments and pre-packed goods;
 - (iii) investigation of complaints relating to unfair trade practices; and
 - (iv) prosecution of offences arising from unfair trade practices;

[Subsidiary]

- (b) co-operative societies—
 - (i) promotion of co-operative societies;
 - (ii) processing of application for registration;
 - (iii) inspections and investigations;
 - (iv) training needs assessment for co-operative movement;
 - (v) market information dissemination and advisory services;
 - (vi) banking inspections local Savings and Credit Co-operative Societies;
 - (vii) risk assessment in Savings and Credit Co-operative Societies;
 - (viii) investment advisory services;
 - (ix) co-ordination and monitoring of co-operative indemnity by co-operative leaders;
 - (x) promotion of co-operative ventures and innovations for local co-operatives;
 - (xi) carrying out certification audits;
 - (xii) carrying out continuous and compliance audits;
 - (xiii) co-operative advisory services;
 - (xiv) pre-co-operative education;
 - (xv) settlement of disputes (arbitration); and
 - (xvi) registration of co-operative societies audited accounts.

7. County planning and development—

- (a) statistical services including—
 - (i) custodian of official statistics in the county;
 - (ii) maintenance of a comprehensive and reliable county socio-economic database;
 - (iii) quality assurance of statistical information;
 - (iv) collection and compilation of statistical information;
 - (v) analysis of statistical information;
 - (vi) publication and dissemination of statistical information for public use; and
 - (vii) co-ordination, monitoring and supervision of the county statistical system;
- (b) boundaries and fencing including—
 - (i) determination of property boundaries;
 - (ii) solving of property boundary disputes;
 - (iii) showing of property boundaries;
 - (iv) ensuring fencing and development of properties; and
 - (v) finalization of surveying of administrative boundaries within the counties; and
- (c) identification of the renewable energy sites for development, excluding identification and implementation of the rural electrification projects, management of the Rural Electrification Fund and development of isolated diesel stations, which shall be transferred within the transition period as per the Rural Electrification Authority schedules.

8. Village polytechnics.

9. Implementation of specific national government policies on natural resources and environmental conservation—

- (a) soil and water conservation—
 - (i) implementation of county specific water conservation and forestry policies through water resource users;
 - (ii) water pollution control; and
 - (iii) borehole site identification and drilling; and
- (b) forestry including farm forest extension services, forests and game reserves formerly managed by local authorities excluding forests managed by Kenya Forest Service, National Water Towers and private forests.

10. County public works and services—

- (a) public works including designing, documentation, post contracting, project management of construction and maintenance of public buildings and other infrastructural services. Construction of footbridges; and
- (b) water and sanitation services including rural water and sanitation services, provision of water and sanitation service in small and medium towns without formal service providers, water harvesting (specific to counties), urban water and sanitation services with formal service provision including water, sanitation and sewerage companies, excluding Water Service Boards, Water Services Regulatory Board and Water Resources Management Authority.

11. Ensuring and co-ordinating the participation of communities and locations in governance at the local level and assisting communities and locations to develop the administrative capacity for the effective exercise of the functions and powers and participation in governance at the local level.

TRANSFER OF FUNCTIONS, 2013

[L.N. 181/2013.]

Pursuant to section 15 of the Sixth Schedule to the Constitution as read with sections 23 and 24 of the Transition to Devolved Governments Act, 2012 and further to the Legal Notice No. 16 of 2013, the Transition Authority approves the transfer of the functions specified in the Schedule to the county government of Nyeri, with effect from the 9th August, 2013:

Provided that the responsibility for the personnel emoluments related to the discharge of the devolved functions shall be managed by the national government for a period not exceeding six months or as shall be agreed upon between the two levels of government, whichever comes first.

SCHEDULE
1. Agriculture—

- (a) crop husbandry including—
- (i) provision of agricultural extension services or farmer advisory services;
 - (ii) development and implementation of programmes in the agricultural sector to address food security in the county;
 - (iii) construction of grain storage structures;
 - (iv) enforcement of regulations and standards on quality control of inputs, produce and products from the agricultural sector;
 - (v) availing farm inputs such as certified seeds, fertilizer and other planting materials, such as cassava cutting or potato vines, to farmers;
 - (vi) development of programmes to intervene on soil and water management and conservation of the natural resource base for agriculture;
 - (vii) promotion of market access for agricultural products;
 - (viii) provision of infrastructure to promote agricultural production and marketing as well as agro-processing and value chains;
 - (ix) enhancing accessibility to affordable credit and insurance packages for farmers;
 - (x) management of agricultural training centers and agricultural mechanization stations:

Provided that the management of agricultural training centers and agricultural mechanization station shall be transferred after six months, to enable the requisite structures and mechanisms to be put in place by the Transition Authority;
 - (xi) land development services such as construction of water pans for horticultural production for food security;
 - (xii) formulation and review of county specific policies;
 - (xiii) developing and enacting legislation and regulatory frameworks for county specific policies; and
 - (xiv) implementation of national and county specific policies and legislation;
- (b) animal husbandry including livestock extension services to deliver husbandry technologies to livestock farmers and pastoralists, through farm demonstrations, farmer field days, farmer field schools, agricultural shows, individual farm visits, farmer training courses (residential and non-residential), barazas, farmer tours, posters, brochures or leaflets;

[Subsidiary]

- (c) plant and animal disease control including carrying out, co-ordinating and overseeing—
 - (i) communal dipping and spraying operations and vaccination campaigns; and
 - (ii) control of plant pests, diseases and noxious weeds that are specific to counties; and
- (d) fisheries including—
 - (i) fisheries extension services;
 - (ii) upscaling seaweed, fin fish and crustacean culture;
 - (iii) county fish seed bulking units;
 - (iv) maintenance of county fish auction centres;
 - (v) on-farm trials;
 - (vi) fish health certification;
 - (vii) development and maintenance of fish landing stations and jetties, fish auction centers and fish landing fees;
 - (viii) demarcation of all fish breeding areas and fencing of fish landing stations;
 - (ix) fish trade licensing and fish movement permits;
 - (x) collection of fish production statistics;
 - (xi) enforcement of fisheries regulations and compliance with management measures;
 - (xii) implementation of fisheries policy, fisheries management measures and regulation and limiting access to fishing;
 - (xiii) fisheries monitoring, control and surveillance; and
 - (xiv) zonation for aquaculture-county specific disease control.

2. County health services—

- (a) county health facilities and pharmacies including—
 - (i) county health facilities including Nyeri Provincial General Hospital, county health services including county and sub-county hospitals, rural health centres, dispensaries, rural health training and demonstration centres. Rehabilitation and maintenance of county health facilities including maintenance of vehicles, medical equipment and machinery. Inspection and licensing of medical premises including reporting;
 - (ii) county health pharmacies including specifications, quantification, storage, distribution, dispensing and rational use of medical commodities:

Provided that until alternative intergovernmental arrangements are made, all counties shall procure medical commodities from the Kenya Medical Supplies Authority except where a particular commodity required by a county government is not available at the Kenya Medical Supplies Authority;
- (b) ambulance services including emergency response and patient referral system;
- (c) promotion of primary health care including health education, health promotion, community health services, reproductive health, child health, tuberculosis, HIV, malaria, school health program, environmental health, maternal health care, immunization, disease surveillance, outreach services, referral, nutrition, occupational safety, food and water quality and safety, disease screening, hygiene and sanitation, disease prevention and control, ophthalmic services, clinical services, rehabilitation, mental health, laboratory

services, oral health, disaster preparedness and disease outbreak services. Planning and monitoring, health information system (data collection, collation, analysis and reporting), supportive supervision, patient and health facility records and inventories;

- (d) licensing and control of undertakings that sell food to the public including food safety and control;
- (e) veterinary services to carry out, co-ordinate and oversee veterinary services including clinical services, artificial insemination, and reproductive health management; but excluding regulation of the profession; and
- (f) enforcement of waste management policies, standards and regulations; in particular—
 - (i) refuse removal (garbage) including, provision of waste collection bins, segregation of waste at source, licensing of waste transportation;
 - (ii) refuse dumps including zoning waste operational areas, conducting environmental impact assessment for the siting of dumps, fencing of dumps, controlling fires, monitoring waste characteristics and monitoring of waste water from the dumpsite (leachate); and
 - (iii) solid waste disposal including enforcement of national waste management policies, standards and laws with respect to landfilling, incineration with energy recovery, compositing, recycling and operation of transfer stations.

3. Control of air pollution, noise pollution and other public nuisance including—

- (a) control of noise pollution and other public nuisances;
- (b) licensing for persons exceeding the permissible noise levels; and
- (c) noise mapping and action plan development,

excluding the implementation of nationally set ambient air quality standards.

4. Cultural services, public entertainment and public amenities—

- (a) county betting, casinos and other forms of gambling;
- (b) racing;
- (c) cinemas;
- (d) libraries excluding Kenya National Library Services; and
- (e) museums.

5. County transport including—

- (a) county roads including primary roads linking all sub-county headquarters and minor roads linking markets and administrative centers excluding roads being managed by Kenya Urban Roads Authority, Kenya Rural Roads Authority, Kenya Wildlife Service and Kenya Forest Service;
- (b) mechanical and transport equipment shall be retained by the national government for a period of six months and the Transition Authority shall during that period develop modalities of sharing the mechanical and transport equipment;
- (c) public road transport on licensing of public service vehicles operations.

6. Trade development and regulation—

- (a) fair trading practices including—
 - (i) verification of weighing and measuring instruments;
 - (ii) inspection of weighing and measuring instruments and pre-packed goods;
 - (iii) investigation of complaints relating to unfair trade practices; and
 - (iv) prosecution of offences arising from unfair trade practices;

[Subsidiary]

- (b) co-operative societies—
 - (i) promotion of co-operative societies;
 - (ii) processing of application for registration;
 - (iii) inspections and investigations;
 - (iv) training needs assessment for co-operative movement;
 - (v) market information dissemination and advisory services;
 - (vi) banking inspections local Savings and Credit Co-operative Societies;
 - (vii) risk assessment in Savings and Credit Co-operative Societies;
 - (viii) investment advisory services;
 - (ix) co-ordination and monitoring of co-operative indemnity by co-operative leaders;
 - (x) promotion of co-operative ventures and innovations for local co-operatives;
 - (xi) carrying out certification audits;
 - (xii) carrying out continuous and compliance audits;
 - (xiii) co-operative advisory services;
 - (xiv) pre-co-operative education;
 - (xv) settlement of disputes (arbitration); and
 - (xvi) registration of co-operative societies audited accounts.

7. County planning and development—

- (a) statistical services including—
 - (i) custodian of official statistics in the county;
 - (ii) maintenance of a comprehensive and reliable county socio-economic database;
 - (iii) quality assurance of statistical information;
 - (iv) collection and compilation of statistical information;
 - (v) analysis of statistical information;
 - (vi) publication and dissemination of statistical information for public use; and
 - (vii) co-ordination, monitoring and supervision of the county statistical system;
- (b) boundaries and fencing including—
 - (i) determination of property boundaries;
 - (ii) solving of property boundary disputes;
 - (iii) showing of property boundaries;
 - (iv) ensuring fencing and development of properties; and
 - (v) finalization of surveying of administrative boundaries within the counties; and
- (c) identification of the renewable energy sites for development, excluding identification and implementation of the rural electrification projects, management of the Rural Electrification Fund and development of isolated diesel stations, which shall be transferred within the transition period as per the Rural Electrification Authority schedules.

8. Village polytechnics.

9. Implementation of specific national government policies on natural resources and environmental conservation—

- (a) soil and water conservation—
 - (i) implementation of county specific water conservation and forestry policies through water resource users;
 - (ii) water pollution control; and
 - (iii) borehole site identification and drilling; and
- (b) forestry including farm forest extension services, forests and game reserves formerly managed by local authorities excluding forests managed by Kenya Forest Service, National Water Towers and private forests.

10. County public works and services—

- (a) public works including designing, documentation, post contracting, project management of construction and maintenance of public buildings and other infrastructural services. Construction of footbridges; and
- (b) water and sanitation services including rural water and sanitation services, provision of water and sanitation service in small and medium towns without formal service providers, water harvesting (specific to counties), urban water and sanitation services with formal service provision including water, sanitation and sewerage companies, excluding Water Service Boards, Water Services Regulatory Board and Water Resources Management Authority.

11. Ensuring and co-ordinating the participation of communities and locations in governance at the local level and assisting communities and locations to develop the administrative capacity for the effective exercise of the functions and powers and participation in governance at the local level.

TRANSFER OF FUNCTIONS, 2013

[L.N. 182/2013.]

Pursuant to section 15 of the Sixth Schedule to the Constitution as read with sections 23 and 24 of the Transition to Devolved Governments Act, 2012 and further to the Legal Notice No. 16 of 2013, the Transition Authority approves the transfer of the functions specified in the Schedule to the county government of Taita Taveta, with effect from the 9th August, 2013:

Provided that the responsibility for the personnel emoluments related to the discharge of the devolved functions shall be managed by the national government for a period not exceeding six months or as shall be agreed upon between the two levels of government, whichever comes first.

SCHEDULE**1. Agriculture—**

- (a) crop husbandry including—
- (i) provision of agricultural extension services or farmer advisory services;
 - (ii) development and implementation of programmes in the agricultural sector to address food security in the county;
 - (iii) construction of grain storage structures;
 - (iv) enforcement of regulations and standards on quality control of inputs, produce and products from the agricultural sector;
 - (v) availing farm inputs such as certified seeds, fertilizer and other planting materials, such as cassava cutting or potato vines, to farmers;
 - (vi) development of programmes to intervene on soil and water management and conservation of the natural resource base for agriculture;
 - (vii) promotion of market access for agricultural products;
 - (viii) provision of infrastructure to promote agricultural production and marketing as well as agro-processing and value chains;
 - (ix) enhancing accessibility to affordable credit and insurance packages for farmers;
 - (x) management of agricultural training centers and agricultural mechanization stations:

Provided that the management of agricultural training centers and agricultural mechanization station shall be transferred after six months, to enable the requisite structures and mechanisms to be put in place by the Transition Authority;
 - (xi) land development services such as construction of water pans for horticultural production for food security;
 - (xii) formulation and review of county specific policies;
 - (xiii) developing and enacting legislation and regulatory frameworks for county specific policies; and
 - (xiv) implementation of national and county specific policies and legislation;
- (b) animal husbandry including livestock extension services to deliver husbandry technologies to livestock farmers and pastoralists, through farm demonstrations, farmer field days, farmer field schools, agricultural shows, individual farm visits, farmer training courses (residential and non-residential), barazas, farmer tours, posters, brochures or leaflets;

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[Subsidiary]

- (c) plant and animal disease control including carrying out, co-ordinating and overseeing—
 - (i) communal dipping and spraying operations and vaccination campaigns; and
 - (ii) control of plant pests, diseases and noxious weeds that are specific to counties; and
- (d) fisheries including—
 - (i) fisheries extension services;
 - (ii) upscaling seaweed, fin fish and crustacean culture;
 - (iii) county fish seed bulking units;
 - (iv) on-farm trials;
 - (v) fish health certification;
 - (vi) development and maintenance of fish landing stations and jetties, fish auction centers and fish landing fees;
 - (vii) demarcation of all fish breeding areas and fencing of fish landing stations;
 - (viii) fish trade licensing and fish movement permits;
 - (ix) collection of fish production statistics;
 - (x) enforcement of fisheries regulations and compliance with management measures;
 - (xi) implementation of fisheries policy, fisheries management measures and regulation and limiting access to fishing;
 - (xii) fisheries monitoring, control and surveillance; and
 - (xiii) zonation for aquaculture-county specific disease control.

2. County health services—

- (a) county health facilities and pharmacies including—
 - (i) county health facilities including county and sub-county hospitals, rural health centres, dispensaries, rural health training and demonstration centres. Rehabilitation and maintenance of county health facilities including maintenance of vehicles, medical equipment and machinery. Inspection and licensing of medical premises including reporting;
 - (ii) county health pharmacies including specifications, quantification, storage, distribution, dispensing and rational use of medical commodities:

Provided that until alternative intergovernmental arrangements are made, all counties shall procure medical commodities from the Kenya Medical Supplies Authority except where a particular commodity required by a county government is not available at the Kenya Medical Supplies Authority;
- (b) ambulance services including emergency response and patient referral system;
- (c) promotion of primary health care including health education, health promotion, community health services, reproductive health, child health, tuberculosis, HIV, malaria, school health program, environmental health, maternal health care, immunization, disease surveillance, outreach services, referral, nutrition, occupational safety, food and water quality and safety, disease screening, hygiene and sanitation, disease prevention and control, ophthalmic services, clinical services, rehabilitation, mental health, laboratory services, oral health, disaster preparedness and disease outbreak services.

Planning and monitoring, health information system (data collection, collation, analysis and reporting), supportive supervision, patient and health facility records and inventories;

- (d) licensing and control of undertakings that sell food to the public including food safety and control;
- (e) veterinary services to carry out, co-ordinate and oversee veterinary services including clinical services, artificial insemination, and reproductive health management; but excluding regulation of the profession; and
- (f) enforcement of waste management policies, standards and regulations; in particular—
 - (i) refuse removal (garbage) including, provision of waste collection bins, segregation of waste at source, licensing of waste transportation;
 - (ii) refuse dumps including zoning waste operational areas, conducting environmental impact assessment for the siting of dumps, fencing of dumps, controlling fires, monitoring waste characteristics and monitoring of waste water from the dumpsite (leachate); and
 - (iii) solid waste disposal including enforcement of national waste management policies, standards and laws with respect to landfilling, incineration with energy recovery, compositing, recycling and operation of transfer stations.

3. Control of air pollution, noise pollution and other public nuisance including—

- (a) control of noise pollution and other public nuisances;
- (b) licensing for persons exceeding the permissible noise levels; and
- (c) noise mapping and action plan development,

excluding the implementation of nationally set ambient air quality standards.

4. Cultural services, public entertainment and public amenities—

- (i) county betting, casinos and other forms of gambling;
- (ii) racing;
- (iii) cinemas;
- (iv) libraries excluding Kenya National Library Services; and
- (v) museums.

5. County transport including—

- (a) county roads including primary roads linking all sub-county headquarters and minor roads linking markets and administrative centers excluding roads being managed by Kenya Urban Roads Authority, Kenya Rural Roads Authority, Kenya Wildlife Service and Kenya Forest Service;
- (b) mechanical and transport equipment shall be retained by the national government for a period of six months and the Transition Authority shall during that period develop modalities of sharing the mechanical and transport equipment; and
- (c) public road transport on licensing of public service vehicles operations.

6. Trade development and regulation—

- (a) fair trading practices including—
 - (i) verification of weighing and measuring instruments;
 - (ii) inspection of weighing and measuring instruments and pre-packed goods;
 - (iii) investigation of complaints relating to unfair trade practices; and
 - (iv) prosecution of offences arising from unfair trade practices;

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- (b) co-operative societies—
 - (i) promotion of co-operative societies;
 - (ii) processing of application for registration;
 - (iii) inspections and investigations;
 - (iv) training needs assessment for co-operative movement;
 - (v) market information dissemination and advisory services;
 - (vi) banking inspections local Savings and Credit Co-operative Societies;
 - (vii) risk assessment in Savings and Credit Co-operative Societies;
 - (viii) investment advisory services;
 - (ix) co-ordination and monitoring of co-operative indemnity by co-operative leaders;
 - (x) promotion of co-operative ventures and innovations for local co-operatives;
 - (xi) carrying out certification audits;
 - (xii) carrying out continuous and compliance audits;
 - (xiii) co-operative advisory services;
 - (xiv) pre-co-operative education;
 - (xv) settlement of disputes (arbitration); and
 - (xvi) registration of co-operative societies audited accounts.

7. County planning and development—

- (a) statistical services including—
 - (i) custodian of official statistics in the county;
 - (ii) maintenance of a comprehensive and reliable county socio-economic database;
 - (iii) quality assurance of statistical information;
 - (iv) collection and compilation of statistical information;
 - (v) analysis of statistical information;
 - (vi) publication and dissemination of statistical information for public use; and
 - (vii) co-ordination, monitoring and supervision of the county statistical system;
- (b) boundaries and fencing including—
 - (i) determination of property boundaries;
 - (ii) solving of property boundary disputes;
 - (iii) showing of property boundaries;
 - (iv) ensuring fencing and development of properties; and
 - (v) finalization of surveying of administrative boundaries within the counties; and
- (c) identification of the renewable energy sites for development, excluding identification and implementation of the rural electrification projects, management of the Rural Electrification Fund and development of isolated diesel stations, which shall be transferred within the transition period as per the Rural Electrification Authority schedules.

8. Village polytechnics.

- 9.** Implementation of specific national government policies on natural resources and environmental conservation—
- (a) soil and water conservation—
 - (i) implementation of county specific water conservation and forestry policies through water resource users;
 - (ii) water pollution control; and
 - (iii) borehole site identification and drilling; and
 - (b) forestry including farm forest extension services, forests and game reserves formerly managed by local authorities excluding forests managed by Kenya Forest Service, National Water Towers and private forests.
- 10.** County public works and services—
- (a) public works including designing, documentation, post contracting, project management of construction and maintenance of public buildings and other infrastructural services. Construction of footbridges; and
 - (b) water and sanitation services including rural water and sanitation services, provision of water and sanitation service in small and medium towns without formal service providers, water harvesting (specific to counties), urban water and sanitation services with formal service provision including water, sanitation and sewerage companies, excluding Water Service Boards, Water Services Regulatory Board and Water Resources Management Authority.
- 11.** Ensuring and co-ordinating the participation of communities and locations in governance at the local level and assisting communities and locations to develop the administrative capacity for the effective exercise of the functions and powers and participation in governance at the local level.
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TRANSFER OF FUNCTIONS, 2013

[L.N. 183/2013.]

Pursuant to section 15 of the Sixth Schedule to the Constitution as read with sections 23 and 24 of the Transition to Devolved Governments Act, 2012 and further to the Legal Notice No. 16 of 2013, the Transition Authority approves the transfer of the functions specified in the Schedule to the county government of Makueni, with effect from the 9th August, 2013:

Provided that the responsibility for the personnel emoluments related to the discharge of the devolved functions shall be managed by the national government for a period not exceeding six months or as shall be agreed upon between the two levels of government, whichever comes first.

SCHEDULE**1. Agriculture—**

- (a) crop husbandry including—
- (i) provision of agricultural extension services or farmer advisory services;
 - (ii) development and implementation of programmes in the agricultural sector to address food security in the county;
 - (iii) construction of grain storage structures;
 - (iv) enforcement of regulations and standards on quality control of inputs, produce and products from the agricultural sector;
 - (v) availing farm inputs such as certified seeds, fertilizer and other planting materials, such as cassava cutting or potato vines, to farmers;
 - (vi) development of programmes to intervene on soil and water management and conservation of the natural resource base for agriculture;
 - (vii) promotion of market access for agricultural products;
 - (viii) provision of infrastructure to promote agricultural production and marketing as well as agro-processing and value chains;
 - (ix) enhancing accessibility to affordable credit and insurance packages for farmers;
 - (x) management of agricultural training centers and agricultural mechanization stations:

Provided that the management of agricultural training centers and agricultural mechanization station shall be transferred after six months, to enable the requisite structures and mechanisms to be put in place by the Transition Authority;
 - (xi) land development services such as construction of water pans for horticultural production for food security;
 - (xii) formulation and review of county specific policies;
 - (xiii) developing and enacting legislation and regulatory frameworks for county specific policies; and
 - (xiv) implementation of national and county specific policies and legislation;
- (b) animal husbandry including livestock extension services to deliver husbandry technologies to livestock farmers and pastoralists, through farm demonstrations, farmer field days, farmer field schools, agricultural shows, individual farm visits, farmer training courses (residential and non-residential), barazas, farmer tours, posters, brochures or leaflets;

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- (c) plant and animal disease control including carrying out, co-ordinating and overseeing—
 - (i) communal dipping and spraying operations and vaccination campaigns; and
 - (ii) control of plant pests, diseases and noxious weeds that are specific to counties; and
- (d) fisheries including—
 - (i) fisheries extension services;
 - (ii) upscaling seaweed, fin fish and crustacean culture;
 - (iii) county fish seed bulking units;
 - (iv) on-farm trials;
 - (v) fish health certification;
 - (vi) development and maintenance of fish landing stations and jetties, fish auction centers and fish landing fees;
 - (vii) demarcation of all fish breeding areas and fencing of fish landing stations;
 - (viii) fish trade licensing and fish movement permits;
 - (ix) collection of fish production statistics;
 - (x) enforcement of fisheries regulations and compliance with management measures;
 - (xi) implementation of fisheries policy, fisheries management measures and regulation and limiting access to fishing;
 - (xii) fisheries monitoring, control and surveillance; and
 - (xiii) zonation for aquaculture-county specific disease control.

2. County health services—

- (a) county health facilities and pharmacies including—
 - (i) county health facilities including county and sub-county hospitals, rural health centres, dispensaries, rural health training and demonstration centres. Rehabilitation and maintenance of county health facilities including maintenance of vehicles, medical equipment and machinery. Inspection and licensing of medical premises including reporting;
 - (ii) county health pharmacies including specifications, quantification, storage, distribution, dispensing and rational use of medical commodities:

Provided that until alternative intergovernmental arrangements are made, all counties shall procure medical commodities from the Kenya Medical Supplies Authority except where a particular commodity required by a county government is not available at the Kenya Medical Supplies Authority;
- (b) ambulance services including emergency response and patient referral system;
- (c) promotion of primary health care including health education, health promotion, community health services, reproductive health, child health, tuberculosis, HIV, malaria, school health program, environmental health, maternal health care, immunization, disease surveillance, outreach services, referral, nutrition, occupational safety, food and water quality and safety, disease screening, hygiene and sanitation, disease prevention and control, ophthalmic services, clinical services, rehabilitation, mental health, laboratory services, oral health, disaster preparedness and disease outbreak services.

Planning and monitoring, health information system (data collection, collation, analysis and reporting), supportive supervision, patient and health facility records and inventories;

- (d) licensing and control of undertakings that sell food to the public including food safety and control;
- (e) veterinary services to carry out, co-ordinate and oversee veterinary services including clinical services, artificial insemination, and reproductive health management; but excluding regulation of the profession; and
- (f) enforcement of waste management policies, standards and regulations; in particular—
 - (i) refuse removal (garbage) including, provision of waste collection bins, segregation of waste at source, licensing of waste transportation;
 - (ii) refuse dumps including zoning waste operational areas, conducting environmental impact assessment for the siting of dumps, fencing of dumps, controlling fires, monitoring waste characteristics and monitoring of waste water from the dumpsite (leachate); and
 - (iii) solid waste disposal including enforcement of national waste management policies, standards and laws with respect to landfilling, incineration with energy recovery, compositing, recycling and operation of transfer stations.

3. Control of air pollution, noise pollution and other public nuisance including—

- (a) control of noise pollution and other public nuisances;
- (b) licensing for persons exceeding the permissible noise levels; and
- (c) noise mapping and action plan development,

excluding the implementation of nationally set ambient air quality standards.

4. Cultural services, public entertainment and public amenities—

- (a) county betting, casinos and other forms of gambling;
- (b) racing;
- (c) cinemas;
- (d) libraries excluding Kenya National Library Services; and
- (e) museums.

5. County transport including—

- (a) county roads including primary roads linking all sub-county headquarters and minor roads linking markets and administrative centers excluding roads being managed by Kenya Urban Roads Authority, Kenya Rural Roads Authority, Kenya Wildlife Service and Kenya Forest Service;
- (b) mechanical and transport equipment shall be retained by the national government for a period of six months and the Transition Authority shall during that period develop modalities of sharing the mechanical and transport equipment; and
- (c) public road transport on licensing of public service vehicles operations.

6. Trade development and regulation—

- (a) fair trading practices including—
 - (i) verification of weighing and measuring instruments;
 - (ii) inspection of weighing and measuring instruments and pre-packed goods;
 - (iii) investigation of complaints relating to unfair trade practices; and
 - (iv) prosecution of offences arising from unfair trade practices;

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- (b) co-operative societies—
 - (i) promotion of co-operative societies;
 - (ii) processing of application for registration;
 - (iii) inspections and investigations;
 - (iv) training needs assessment for co-operative movement;
 - (v) market information dissemination and advisory services;
 - (vi) banking inspections local Savings and Credit Co-operative Societies;
 - (vii) risk assessment in Savings and Credit Co-operative Societies;
 - (viii) investment advisory services;
 - (ix) co-ordination and monitoring of co-operative indemnity by co-operative leaders;
 - (x) promotion of co-operative ventures and innovations for local co-operatives;
 - (xi) carrying out certification audits;
 - (xii) carrying out continuous and compliance audits;
 - (xiii) co-operative advisory services;
 - (xiv) pre-co-operative education;
 - (xv) settlement of disputes (arbitration); and
 - (xvi) registration of co-operative societies audited accounts.

7. County planning and development—

- (a) statistical services including—
 - (i) custodian of official statistics in the county;
 - (ii) maintenance of a comprehensive and reliable county socio-economic database;
 - (iii) quality assurance of statistical information;
 - (iv) collection and compilation of statistical information;
 - (v) analysis of statistical information;
 - (vi) publication and dissemination of statistical information for public use; and
 - (vii) co-ordination, monitoring and supervision of the county statistical system;
- (b) boundaries and fencing including—
 - (i) determination of property boundaries;
 - (ii) solving of property boundary disputes;
 - (iii) showing of property boundaries;
 - (iv) ensuring fencing and development of properties; and
 - (v) finalization of surveying of administrative boundaries within the counties; and
- (c) identification of the renewable energy sites for development, excluding identification and implementation of the rural electrification projects, management of the Rural Electrification Fund and development of isolated diesel stations, which shall be transferred within the transition period as per the Rural Electrification Authority schedules.

8. Village polytechnics.

9. Implementation of specific national government policies on natural resources and environmental conservation—

- (a) soil and water conservation—
 - (i) implementation of county specific water conservation and forestry policies through water resource users;
 - (ii) water pollution control; and
 - (iii) borehole site identification and drilling; and
- (b) forestry including farm forest extension services, forests and game reserves formerly managed by local authorities excluding forests managed by Kenya Forest Service, National Water Towers and private forests.

10. County public works and services—

- (a) public works including designing, documentation, post contracting, project management of construction and maintenance of public buildings and other infrastructural services. Construction of footbridges; and
- (b) water and sanitation services including rural water and sanitation services, provision of water and sanitation service in small and medium towns without formal service providers, water harvesting (specific to counties), urban water and sanitation services with formal service provision including water, sanitation and sewerage companies, excluding Water Service Boards, Water Services Regulatory Board and Water Resources Management Authority.

11. Ensuring and co-ordinating the participation of communities and locations in governance at the local level and assisting communities and locations to develop the administrative capacity for the effective exercise of the functions and powers and participation in governance at the local level.

TRANSFER OF FUNCTIONS, 2014

[L.N. 33/2014.]

PURSUANT to section 15 of the Sixth Schedule to the Constitution as read with sections 23 and 24 of the Transition to Devolved Governments Act, 2012 (No. 1 of 2012) and further to the Kenya *Gazette* Supplement No. 116 of 2013, the Transition Authority approves the transfer of—

- (a) the Agricultural Training Centre specified in the First Column of Part A of the Schedule to the respective county government specified in the Fourth Column of Part A of the Schedule; and
- (b) the Agricultural Mechanization Station specified in the First Column of Part B of the Schedule to the respective county government specified in the Third Column of Part B of the Schedule,
with effect from the 28th February, 2014:

Provided that where an Agricultural Training Centre or Agricultural Mechanization Station is shared between two or more county governments, the respective county governments shall establish joint committees which shall—

- (a) enter into an agreement providing for the manner in which the Agricultural Training Centre or Agricultural Mechanization Station shall be managed;
- (b) jointly develop an annual budget to cater for the operational costs of the Agricultural Training Centre or Agricultural Mechanization Station:

Provided that—

- (i) the budget for the Agricultural Training Centre or Agricultural Mechanization Station shall be approved by the host county government in order to avoid double budgeting; and
 - (ii) the host county government shall be the recipient of the budgetary allocation from County Revenue Fund of the host county government, which allocation shall be utilized for the performance of the functions of the Agricultural Training Centre or Agricultural Mechanization Station; and
- (c) undertake any other activity incidental to the realization of the objects of the Agricultural Training Centre or Agricultural Mechanization Station by the respective county government.

SCHEDULE

A. Agricultural Training Centres

<i>Name of Agricultural Training Centres</i>	<i>Status</i>	<i>County Hosting Agricultural Training Centres</i>	<i>Agricultural Training Centres transferred to the county government specified herein</i>
Busia Agricultural Training Centre	Established	Busia	Busia
Bukura Agricultural Training Centre	Established	Kakamega	Kakamega and Vihiga
Mabanga Agricultural Training Centre	Established	Bungoma	Bungoma
Kamwetii Agricultural Training Centre	Established	Kirinyaga	Kirinyaga
Waruhiu Agricultural Training Centre	Established	Kiambu	Kiambu and Nairobi
Kenyatta Agricultural	Established	Muranga	Muranga

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Training Centre			
Olojoroorok Agricultural Training Centre	Established	Nyandarua	Nyandarua and Laikipia
Njabini Agricultural Training Centre	Established	Nyandarua	Nyandarua
Wambugu Agricultural Training Centre	Established	Nyeri	Nyeri and Laikipia
Kaimosi Agricultural Training Centre	Established	Nandi	Nandi and Vihiga
Ngong Agricultural Training Centre	Established	Kajiado	Kajiado and Nairobi
Koibatek Agricultural Training Centre	Established	Baringo	Baringo
Chebororwa Agricultural Training Centre	Established	Uasin-Gishu	Uasin-Gishu, West Pokot, Trans Nzoia and Turkana
Bomet Agricultural Training Centre	Established	Bomet	Bomet and Narok
Soin Agricultural Training Centre	Incomplete	Kericho	Kericho
Chebara Agricultural Training Centre	Incomplete	Elgeyo Marakwet	Elgeyo/Marakwet
Nakuru Agricultural Training Centre	Incomplete	Nakuru	Nakuru
Taita Taveta Agricultural Training Centre	Established	Taita/Taveta	Taita/Taveta
Mtwapa Agricultural Training Centre	Established	Kilifi	Kilifi and Mombasa
Lake Kenyatta Agricultural Centre	Established	Lamu	Lamu and Tana River
Matuga Agricultural Training Centre	Incomplete	Kwale	Kwale
Garissa Agricultural Training Centre	Established	Garissa	Garissa, Wajir and Mandera
Embu Agricultural Training Centre	Established	Embu	Embu
Kaguru Agricultural Training Centre	Established	Meru	Meru and Tharaka-Nithi
Isiolo Agricultural Training Centre	Established	Isiolo	Isiolo
Machakos Agricultural Training Centre	Established	Machakos	Machakos
Kitui Agricultural Training Centre	Established	Kitui	Kitui
Makueni Agricultural Training Centre	Incomplete	Makueni	Makueni
Moyale Agricultural Training Centre	Incomplete	Marsabit	Marsabit
Maseno Agricultural Training Centre	Established	Kisumu	Kisumu
Kisii Agricultural Training Centre	Established	Kisii	Kisii and Nyamira
Homa Bay Agricultural Training Centre	Established	Homa Bay	Homa Bay
Siaya Agricultural Training Centre	Established	Siaya	Siaya

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[Subsidiary]

Miyare Agricultural Training Centre	Incomplete	Migori	Migori
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B. Agricultural Mechanization Stations

<i>Agricultural Mechanization Stations</i>	<i>County Hosting Agricultural Mechanization Stations</i>	<i>Transferred to the county government specified herein</i>
Kajiado Agricultural Mechanization Station	Kajiado	Kajiado
Ruiru Agricultural Mechanization Station	Kiambu	Kiambu, Muranga and Nairobi City
Mariakani Agricultural Mechanization Station	Kilifi	Mombasa, Kilifi and Taita/Taveta
Samburu Agricultural Mechanization Station	Samburu	Samburu
Kitale Agricultural Mechanization Station	Trans Nzoia	Trans Nzoia, Turkana and West Pokot
Machanga Agricultural Mechanization Station	Embu	Embu, Tharaka-Nithi and Kirinyaga
Ruiru Agricultural Mechanization Station	Baringo	Baringo
Ruiru Agricultural Mechanization Station	Nakuru	Nakuru
Ruiru Agricultural Mechanization Station	Narok	Narok
Ruiru Agricultural Mechanization Station	Kericho	Kericho
Ruiru Agricultural Mechanization Station	Migori	Kisii, Migori, Homa Bay and Nyamira
Ruiru Agricultural Mechanization Station	Siaya	Siaya
Kisumu Agricultural Mechanization Station	Kisumu	Kisumu
Mandera Agricultural Mechanization Station	Mandera	Mandera
Garissa Agricultural Mechanization Station	Garissa	Garissa and Wajir
Mitinguu Agricultural Mechanization Station	Meru	Meru, Isiolo, Marsabit and Moyale
Garsen Agricultural Mechanization Station	Tana River	Tana River and Lamu
Narumoru Agricultural Mechanization Station	Nyeri	Nyeri and Laikipia
Nyahururu Agricultural Mechanization Station	Nyandarua	Nyandarua
Eldoret Agricultural Mechanization Station	Uasin Gishu	Uasin Gishu and Elgeyo/Marakwet
Mswambweni Agricultural Mechanization Station	Kwale	Kwale
Bumala Agricultural Mechanization Station	Busia	Busia, Kakamega and Vihiga
Kitui Agricultural Mechanization Station	Kitui	Kitui
Makueni Agricultural Mechanization Station	Makueni	Makueni and Machakos

**TRANSITION TO DEVOLVED GOVERNMENT (MECHANISMS
FOR CLOSURE AND TRANSFER OF PUBLIC
RECORDS AND INFORMATION) REGULATIONS, 2016**

[L.N. 44/2016.]

1. Citation

These Regulations may be cited as the Transition to Devolved Government (Mechanism for Closure and Transfer of Public Records and Information), Regulations, 2016.

2. Interpretation

In these Regulations, unless the context otherwise requires—

“accounting officer” means the Principal Secretary or the Head of Department appointed by the Principal Secretary;

“Act” means the Transition to Devolved Government Act, 2012 (No. 1 of 2012);

“administrative records” means records which contain documents regarding the support functions of the office, such as which may include documents relating to human resource, finance, equipment and supplies, buildings and property and general administrative matters;

“appraisal” means the process of determining the value of a record in order to determine its disposal;

“archives” means records selected for permanent preservation due to their enduring value;

“Authority” means the Transition Authority established under section 4(1) of the Act;

“authorized officer” includes —

- (a) in the case of a Department which is not assigned to any Cabinet Secretary, the Head of that Department; or
- (b) in the case of the Kenya National Audit Office, the Controller and Auditor-General;
- (c) the Principal Secretary in the concerned Ministry;

“current records” means records regularly used for the conduct of the daily business of an agency, institution or an individual;

“document” means information recorded in any format which may be considered as a unit;

“electronic record” means a combination of text, graphics, data, audio, pictorial or other form of representation of information in a digital form that is created, modified, maintained, archived, retrieved or distributed by a digital information system;

“file” means a group of related records or documents, fastened together within a file folder;

“human resource personnel records” means the documents of an individual's employment history, from appointment to retirement or termination, which may be organized as individual case files in print or electronic form;

“information” means knowledge that is communicated and has facts, concepts, objects, events, ideas or processes;

“metadata” means descriptive information concerning a particular data set, object or resource, including details on the manner in which it is formatted and by whom it was collected;

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“non-current records” means records rarely required by the office of origin to conduct current business;

“public records” means records created or received and accumulated by public institutions in the conduct of business and includes the records of—

- (a) any Ministry or Government Department and of any Commission, Office, Board or other body or establishment under the Government or established by or under an Act of Parliament;
- (b) the records of any defunct local authority or other Authority established for local government purposes; and
- (c) records of the High Court and of any other Court or Tribunal;

“Preservation” means any measure taken, including financial and strategic decisions, to maintain the integrity and extend the life of records;

“record” means —

- (a) information created or received and maintained by an agency, organization or individual in furtherance of legal obligations or in the transaction of business; or
- (b) any information created or received in the process of business transaction regardless of the mode or format;

“records disposal” means the act of removal of records that have reached the end of retention period from the place of origin, whether for destruction or formal transfer to a records storage centre or archives;

“records management” means the systematic control of all records from their creation or receipt through processing, retrieval, distribution and use, to their ultimate preservation and disposal;

“records management unit” means a division or section responsible for management of records in an organization;

“records storage” means preservation measures for keeping records under defined conditions and permitting their retrieval or the information contained in them;

“records value” means the utility of records for operating, administrative, legal, fiscal and historical purposes;

“vital records” means records containing essential information necessary for the continuity or resumption of operations in the event of a disaster.

3. Scope and application of these Regulations

(1) These Regulations shall facilitate closure and transfer of records previously held by defunct Local Authorities, former provincial administration and County and National Government Ministries, Departments and Agencies.

(2) All authorized and accounting officers at both the national and county governments shall be responsible for ensuring closure and transfer of public records and information in their custody.

(3) These Regulations shall apply to—

- (a) all records in the public sector, despite the style and format in which they are contained; and
- (b) all business activities performed by and on behalf of the public sector.

4. Purpose of these Regulations

The purpose of these Regulations is to provide for an operational mechanism for closure and transfer of public records and information, which includes—

- (a) capturing of complete, accurate and useable records to meet legal, regulatory and accountability needs of the National and County Governments;

- (b) securing the records created, maintained and preserved to remain useful and secure at all times;
- (c) protecting the interests of all the stakeholders, including the citizens, National and County Governments, through good record keeping practices; and
- (d) the closure, transfer and appraisal of public records and information.

5. Closure of public records

(1) All authorized officers and accounting officers shall take cognizance that records at National and County Governments are public records and shall be managed in accordance with the requirements of the Public Archives and Documentation Service Act (Cap. 19) and other relevant written laws.

(2) In the event of abolished, merged, restructured or devolved public or state office, the successor office shall—

- (a) close all the records and open new ones which shall indicate the name and status of the succeeding office;
- (b) maintain an inventory of all the records that have been closed; and
- (c) retain the records for administrative use, and consequently transfer the records to the Kenya National Archives and Documentation Service within a reasonable period.

6. Transfer of public records

(1) All authorized persons and accounting officers at both the National and County Governments shall include the background information and detailed information concerning the records that are eligible for transfer, which shall include—

- (a) the name of the public office responsible for the records and for making the transfer;
- (b) the name of the public office that created the records;
- (c) the print or electronic versions of the records;
- (d) volume of records to be transferred;
- (e) reference, title or description of the record series and the corresponding dates;
- (f) details on whether the records have any access restrictions;
- (g) the manner of identification of existing finding aids relating to the records such as registers, indexes, file or lists; and
- (h) location of the office where the records are stored.

(2) Upon completion of the listing, the list or form shall be submitted in duplicate to the Authority and the Kenya National Archives and Documentation Service for verification and subsequent transfer.

(3) Each public office shall maintain a list of all records transferred and the recipient National or County Government agency or Department shall keep a record of documents or files transferred or received and shall include the—

- (a) date of receipt;
- (b) the details of the person who has created the file and the source of the files;
- (c) description and dates of the files;
- (d) location of files in the recipients records management system;
- (e) name and signature of the person recording the information; and
- (f) date when the information is recorded.

(4) The respective county secretary shall ensure that all records except those specified under paragraph (5) of the defunct Local Authorities are closed, and handed over to the succeeding county office in accordance with the existing administrative structure of the county government.

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(5) The clerk of the respective county assembly shall take custody of all legislative records of defunct local authorities.

(6) All authorized and accounting officers at both the National and County Governments shall ensure that the transfer of procurement records is done in accordance with provisions and requirements of the Public Procurement and Disposal Act, 2005 (No. 3 of 2005).

(7) The records required to be transferred under paragraph (6) shall include, the—

- (a) tender committee minutes and procurement minutes;
- (b) quotation registers;
- (c) bin cards and local purchase orders;
- (d) local service orders, counter receipt vouchers and counter requisition vouchers;
- (e) stores ledger stock control card and issuing voucher; or
- (f) signed contracts and agreements, amongst other documents.

(8) All authorized and accounting officers at both the National and County Governments shall ensure the transfer of financial or accountable records is done in accordance with the provisions and requirements of the Public Financial Management Act, 2012 (No. 18 of 2012) and the Regulations. applicable thereto.

(9) The records specified for transfer under paragraph (8) shall include—

- (a) financial statements;
- (b) payrolls and payment vouchers;
- (c) bank balances and certificate of closed bank accounts;
- (d) unused cheque books and revenue receipts;
- (e) cashbooks and vote books;
- (f) receivable registers and credit registers;
- (g) copies of receipt and local purchase orders generated by the local authorities integrated financial office management system;
- (h) duplicate copies for local authorities integrated financial office management system;
- (i) unpaid local purchase orders and invoices; and
- (j) inventory of all assets and liabilities, among others.

(10) All the former Clerks of the defunct Local Authorities and the Permanent Secretary responsible for Lands shall ensure that land and other related records are transferred to the respective County Government entities including but not limited to the following—

- (a) drawings, plans and maps of town, trading or market centres;
- (b) files for allocation of parcels of land for plot allocation;
- (c) proof of payment of rates; and
- (d) bidders or plot records.

(11) All authorized and accounting officers at both the National and County Governments shall ensure electronic records previously belonging to the defunct Local Authorities or the restructured entities are identified and securely stored—

- (a) in an individual's computer, laptop, server, data center, website, cloud and removable media;
- (b) in different storage media such as hard disks, CDs, DVDs, memory sticks, diskettes and magnetic tapes;
- (c) in different formats which may include the formats of the electronic records such as databases, spreadsheets, word processed documents, PDF and HTML are identified;
- (d) by removing the data from the online systems and storing it in an off-line systems in readiness for transfer;

- (e) and converted into compatible formats that may be used in current systems;
- (f) in security copies of the records are maintained as a backup strategy;
- (g) and all the accompanying metadata is also transferred together with the records;
- (h) in authorized access mechanism to the records is provided; and
- (i) and an inventory of the electronic records is prepared and maintained.

(12) All the regional coordinators and County Commissioners shall ensure the administrative records of the devolved functions of the former provincial administration offices existing before March, 2013, are closed—

- (a) and handed over to the respective County Government; and
- (b) new ones opened reflecting the name and status of the new office.

(13) All the Principal Secretaries in Ministries with devolved functions shall ensure that all—

- (a) records relating to programs and projects of devolved functions are transferred to the respective County Governments;
- (b) the human resource records relating to staff performing devolved functions in counties are transferred to the respective County Governments in accordance with the Schedule to these Regulations.

(14) Records including personnel records shall be transferred on written request by a county government and confirmation of readiness or capacity to manage records by that county and which shall include the availability of—

- (a) competent and qualified records management personnel as per the scheme of service for record management officers; and
- (b) adequate and appropriate records storage facilities that include both physical storage as well as equipment.

7. Disposal of public records

(1) Disposal of public records shall entail—

- (a) selection and transfer of valuable records to Kenya National Archives and Documentation Service;
- (b) retention of records with continuing administrative value in the institutional records centre;
- (c) authorized destruction of records which have been determined by the archivist as guided by Public Archives and Documentation Service Act (Cap. 19) under paragraph (2), to be of no value.

(2) For disposal purposes, all public records that have been closed and are no longer useful for administrative purposes shall be appraised to determine their value and disposal procedure.

(3) All State Officers and public officers shall seek the authority of the Director, Kenya National Archives and Documentation Service for disposal of any records.

(4) All the non-active files or records shall be sorted out and an invitation sent to the Director, Kenya National Archives and Documentation Service requesting for appraisal of records to be carried out.

(5) All files that have been appraised and earmarked for preservation shall be transferred to Kenya National Archives and Documentation Service with immediate effect.

(6) In instances where Kenya National Archives and Documentation Service has granted authority for the destruction of valueless records, on destruction of the records a duly filled copy of the destruction certificate shall be forwarded to the Director, Kenya National Archives and Documentation Service and copied to the Transition Authority for record purposes.

(7) A public record shall not be destroyed without the express authority of the Director, Kenya National Archives And Documentation Service.

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(8) The disposal of accounting documents shall be done in accordance with provisions and requirements of the Public Finance Management Act, 2012 (No. 18 of 2012) and the Regulations enacted therefrom.

(9) The disposal of procurement records shall be done in accordance with provisions and requirements of the Public Procurement and Disposal Act, 2005 (No. 3 of 2005).

(10) In disposing electronic records, all authorized and accounting officers at both the National and County Governments shall ensure that disposal of electronic records be carried out on being appraised by Kenya National Archives and Documentation Service.

(11) An electronic records shall not be destroyed without the authority of the Director, Kenya National Archives and Documentation Service as provided under the Public Archives and Documentation Act and other written laws.

(12) Where a person has in his possession a computer he shall be bonded in accordance with the Public Procurement and Disposal Act, 2005 (No. 3 of 2005) and all data contained in the computer shall be removed and securely stored and an inventory prepared to that effect

(13) The authorized officer and accounting officers responsible for the transfer of records in the manner provided under these Regulations shall be guided by the checklist provided under Part B of the Schedule.

8. Implementation of Regulations

(1) During the transition period, these Regulations shall be implemented by the relevant institutions under the guidance of the Transition Authority or the successor thereof and the Kenya National Archives and Documentation Service.

(2) The Transition Authority shall establish a Committee known as the Inter-Agency Technical Committee to facilitate and co-ordinate closure and transfer of public records and information.

(3) The composition of the Inter-Agency Technical Committee shall be drawn from the—

- (a) Transition Authority;
- (b) Public Service Commission;
- (c) Ministry of Interior and Co-ordination of National Government;
- (d) Department of Public Service Management;
- (e) Ministry of Sports, Culture and the Arts;
- (f) Kenya National Archives and Documentation Service;
- (g) National Economic and Social Council; and
- (h) National Treasury.

(4) The records and information referred to under paragraph (2) shall include—

- (a) all human resource records, including records on the personnel and payroll; or
- (b) financial programs and projects records and information including contracts, agreements and leases.

(5) A ministry or department required to close and transfer records shall establish a Committee to coordinate with the Inter-Agency Technical Committee in order to ensure that all records for the devolved functions are closed and transferred to the County Government and or Kenya National Archives and Documentation Service in accordance with written laws.

(6) The Committee referred to under paragraph (5) shall be constituted of the following members drawn from the—

- (a) general administration;
- (b) human resource unit;
- (c) finance and planning;
- (d) supplies heads of departments;
- (e) representative of national government;

- (f) regional archivist from Kenya National Archives and Documentation Service; and
- (g) County Transition Co-coordinator.

(7) The former County Clerk, City Clerks and Town Clerks of the defunct City, Municipal and County authorities shall ensure the effective handover of records

(8) The functional and initial activities that caused generation of records shall include listing of—

- (a) all human resource records, including personnel, payroll and other record;
- (b) financial, programs and projects records and information, including contracts, agreements or leases.

(9) After the transition period, Kenya National Archives and Documentation Service shall continue taking a central role in guiding implementation of these Regulations with any other relevant institutions mandated by law.

9. Offences and penalties

A person commits an offence under these Regulations if that person commits any offence provided under the Public Finance Management Act, 2012 (No. 18 of 2012), the Kenya Information and Communication Act, the Official Secrets Act, amongst other legislations on records management.

10. Saving provisions

Upon the lapse of the Act under section 37 (1) of the Transition to Devolved Governments Act 2012, any regulations, mechanisms, legal notices, publications, resolutions and guidelines made in relation to the closure and transfer of public records and information, shall remain in force and shall apply with the necessary modifications so as to be applicable for use by the Intergovernmental Relations Technical Committee under section 37(3)(a) of the Act and section 11 and 12 of Intergovernmental Relations Act, 2012 (No. 2 of 201) as the case may be, until their expiry, amendment or revocation.

SCHEDULE

[Reg. 6 (13)(b).]

PART A

CHECKLIST FOR TRANSFER OF PERSONNEL FILES BETWEEN NATIONAL GOVERNMENT AND COUNTIES

(a) Isolation of records for staff aged 55 years and above for retention by the Ministry/ State Department
(b) Isolation of files with disciplinary cases pending determination
(c) Status of promotions
(d) Confirmation that the Personal files have been checked and contain:
(i) PSC 2 form duly completed
(ii) Letter of first appointment
(iii) Letter of confirmation in appointment
(iv) Letters of promotion
(v) Letter of secondment
(e) Wealth declaration forms
(f) Number of Volumes of Personal file (Open and Confidential)
(g) Confirmation that files have been arranged per County and a list of names for the officers attached.
THE CHECKLIST SHALL BE VERIFIED AND SIGNED BETWEEN THE MINISTRY AND THE RECEIVING COUNTY GOVERNMENT AND TA AND PSC GIVEN A COPY FOR RECORDS PURPOSES

Transition to Devolved Government

[Subsidiary]

PART B
[Reg. 7 (13).]

CHECKLIST OF VITAL RECORDS TO BE TRANSFERRED

Name of Defunct Entity

Name of Successor Entity.....

Name of the County

	LOCATION	FORMAT	TRANSFER/HANDED OVER(ENTITY)
Insurance policies and schedules(Original signed documents)			
Master set of Minutes(Council meetings, special meetings and committee, planning committees)			
Drawings plans and maps(Town/Trading / Market centres)			
Parcel files(plot allocation)			
Pay rates			
Bidders(plot records)			
Annual reports			
Bank Balances as at			
Research records(major projects and programs/ Venture)			
Share certificates			
Tax returns			
Leases and licences including software licences			
Customer and Debtors Records			
Inventory control records			
Grant deeds			
Loan Agreements and balances			
Mortgages			
Payroll registers			
Personnel records(Files)			
Workers pension and Compensation records			
Workers loans and statutory records (List)			

Transition to Devolved Government

[Subsidiary]

Collective bargaining (Signed agreement)			
Certificate of incorporation patent			
Trade marks, Business name			
Copy rights			
Corporate Seal			
Deeds and Certificates of Title			
Contracts & Agreements/MOUs/Partnerships (Original signed documents)			
Computer Software license/Database			
General ledgers			
Joint Ventures Agreement			
Acquisition/disposal contracts (Authority)			
Due diligence reports			
Legal Reports			
Liability releases/indemnification agreements			
Guarantee			
Litigation file			
Master set of By laws			
Log books			
Assets register			
Title deeds			
