

The Kajiado County Inspectorate Service Act, 2018

**THE KAJIADO COUNTY INSPECTORATE SERVICE
BILL, 2018**

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AN ACT of the County Assembly of Kajiado to provide for the establishment of the inspectorate service of the County Government of Kajiado and to provide for its organization, operations, functions, powers and for connected purposes.

ENACTED by the County Assembly of Kajiado, as follows—

PART 1—PRELIMINARY

Short title

1. This Act may be cited as the Kajiado County Inspectorate Service Act, 2018.

Interpretation

2. In this Act, unless the context otherwise requires:-

“animal” includes domestic animals, wild animals and poultry.

“authorized person” means any person who has made a request and such request has been approved

“board” means the Kajiado County Public Service Board established under section 57 of County Governments Act.

“compliance enforcement” includes action taken to establish compliance of any requirement by a county law or, enforcing compliance of county laws and pursuing punishment for committing an offence under a county law.

“constitution” means the constitution of Kenya as amended and repealed from time to time.

“county” means the county government of Kajiado, and county government shall have similar meaning.

“county assembly” means the county assembly of Kajiado.

“county cell” means a cell or a custody facility maintained by the county for the

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purposes of holding in remand any persons or any goods or vessels in contravention of county laws.

“county chief officer” means the county chief officer responsible for matters pertaining to enforcement of county laws.

“county executive committee member” means the county executive committee member responsible for matters pertaining to enforcement of county laws.

“County Governments Act” shall mean the County Governments Act, act number 7 of 2012 as amended from time to time.

“county law” means any Act of the county assembly of Kajiado or a subsidiary legislation of a county law or regulation made pursuant to a county law.

“county premises” means any building, land and open spaces belonging or under the full control of the inspectorate service which for purposes of this Act shall be utilized for purposes of holding any persons, goods or vessels in custody or remand.

“county property” means movable and immovable property belonging to the county.

“county public service” shall have the same meaning given to it under section 2 of the County Governments Act.

“county revenue fund” means the county revenue fund established under section 109 of the Public Finance Management Act, 2012.

“court” means a court of law with its jurisdiction within the county designated to handle hear and determine offences and other matters arising from this Act and

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other county laws.

“deputy governor” means the Deputy Governor of the county government of Kajiado.

“director of public prosecutions” means the Office of the Director of Public Prosecutions established under article 157 of the Constitution.

“governor” means the Governor of the County Government of Kajiado.

“judicial service commission” means the Judicial Service Commission established under article 171 of the Constitution.

“Kenya wildlife service” means the Kenya Wildlife Service established under section 6 of the Wildlife Conservation and Management Act, 2013.

“inspectorate service” means the Inspectorate Service of the county government established under Section 4 of this Act.

“NEMA” means the National Environmental Management Authority established under section 7 of the Environmental Management and Coordination Act.

“national police service” means the National Police Service established under article 243 of the Constitution.

“premise” means any building or structure where a regulated activity is undertaken or is about to be undertaken but does not include residential houses.

“regulated activity” means any activity, trade or business whose undertaking, a county law requires obtaining of a license, permit, approval or payment of service fee,

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by or to relevant county organ.

“relevant county organ” means the organ or department responsible for licensing, issuing permits, collecting services fee or approving an activity.

“road authority” means either Kenya National Highways Authority, Kenya Urban Roads Authority or Kenya Rural Roads Authority or any other agency with the mandate over any road in the county.

“vessel” includes motor vehicles, motorbikes, bicycles and any other motorized or non-motorized vessel.

Objects of the Act

3. The objects of this Act is –

- (a) to provide for the establishment of an effective, efficient and professional inspectorate service of the county that shall among others ensure compliance with county laws and any other laws within the county.
- (b) to provide for institutional and legal framework for the enforcement of the county laws;
- (c) to provide for the powers and responsibilities of officers of the inspectorate service.
- (d) give effect to the provisions of article 187 of the constitution that require the county executive committee to implement county laws and to implement within the county national legislation to the extent that the legislation so requires.
- (e) give effect to the provisions of article 189 (1) (b) of the constitution that require the county government to assist, support and as appropriate implement legislation of the

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national government; and

- (f) establish, pursuant to article 187 (2) of the constitution, an inspection mechanism so as to ensure the effective performance and exercise of powers conferred on the county government under part 2 of the fourth schedule of the constitution.

PART II— INSPECTORATE SERVICE OF THE COUNTY
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Establishment of inspectorate service

- 4.** (1) There is established an Inspectorate Service of the County.

(2) The Inspectorate Service shall be a Directorate of the County Public Service.

Powers and responsibility of the inspectorate service

- 5.** (1) The Inspectorate Service shall be responsible for –

(a) enforcement of compliance with the county laws and regulations;

(b) carry out inspection within the county to ensure compliance with set standards in respect of the functions of the county government as specified under part 2 of the fourth schedule to the constitution;

(c) with the concurrence of the relevant road authority, regulate and control traffic on public roads within the county and keep order and prevent obstructions and encroachment to public places;

(d) provide security services to county property;

(e) carry out inspection for compliance with trade licenses, permits or any matter provided under County laws or other applicable laws;

(f) ensure enforcement of barrier cess,

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loyalties, service fee and land rates collection;

(g) in conjunction with the national police service, prevent occurrence of crime in the county; and

(h) perform any other duties as may be prescribed by this Act or any other law from time to time.

(2) In carrying out its responsibility, the inspectorate service shall execute its mandate independently and shall strive for the highest standards of discipline, prevent corruption and promote and practice the highest standards of professionalism, transparency and accountability.

Director of the inspectorate service

6. (1) The inspectorate service shall be headed by a director appointed by the board in accordance with the county governments act and any other applicable law.

(2) The director shall be responsible for:

a) effective and efficient day to day operations of the inspectorate service;

b) day to day administration and management of the inspectorate service;

c) foster cooperation and collaboration between the inspectorate service and relevant agencies in the execution of the functions of the inspectorate service;

d) implementation of policies and policy directions of the inspectorate service;

e) prepare budget and plans for the inspectorate service;

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f) management of complaints brought under Section 21(7) of this Act

g) perform any other functions as may be assigned by any written law.

(3) The director may issue administrative orders for the general control, direction, and coordination of the county security services.

(4) The director may perform the functions or exercise the powers of the office in person or may delegate to an officer subordinate to him.

(5) A delegation under this Act-

a) shall be in writing;

b) shall be subject to any conditions the director may impose;

c) shall not divest the director of responsibility concerning the exercise of the powers or the performance of the duty delegated;

d) may be withdrawn, and any decision made by the person so delegated may be withdrawn or amended by the director.

(6) The director shall be accountable to the county chief officer in performance of the duties under this Act.

Officers of the inspectorate service

7. (1) The officers of the inspectorate service shall be appointed by the board in accordance with the County Governments Act and any other applicable law.

(2) The inspectorate service shall consist of the ranks and seniority as specified in the first schedule.

(3) The Governor shall gazette in the

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County Gazette or Kenya Gazette the names of persons appointed to hold positions listed under Part (a) of the First Schedule.

(4) The officers of the service shall wear badges of rank and insignia as specified in the Second Schedule.

Deployment of officers of the inspectorate service

8. The officers of the inspectorate service shall be deployed and re-deployed in accordance with Section 72 of the County Governments Act.

Command of the inspectorate service

9. An officer of the inspectorate service shall obey and execute all lawful orders in respect of the execution of the duties of the office which may from time to time be received from their superiors.

Disciplinary control over the officers of the inspectorate service

10. The disciplinary action of the officers in the inspectorate service shall be in accordance with the applicable laws, human resource procedures and any regulations made by the board.

Training of the inspectorate service

11. (1) The inspectorate service may establish and maintain a training facility for purposes of training and continuous capacity development of the officers of the inspectorate service.

(2) The inspectorate service may collaborate with other training institutions to provide training to its officers.

Engagement of private security firms

12. (1) A County Government department or agency shall not procure a private security provider to perform any security function within the county where the inspectorate service is capable of providing security.

(2) A private security provider may only be procured by a department or agency of the County Government with the concurrence and approval of the County Executive

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Committee where it is considered that the services of the inspectorate service will not be adequate to provide the service.

PART III — POWERS AND EXERCISE OF POWER BY OFFICERS OF THE INSPECTORATE SERVICE

Service number and badge

13.(1) The county chief officer shall ensure that every officer of the inspectorate service is issued with a foolproof service number and official badge.

(2) An officer of the inspectorate service shall at all times in the course of duty carry their badge, and where required display their service number, as proof of identity.

Power of entry

14.(1) An officer of the inspectorate service may, at all reasonable times, enter upon any premises or place in which there is a reasonable ground to believe that a regulated activity is being undertaken in contravention of the law, for the purpose of compliance enforcement.

(2) If an officer acting under subsection (1) is satisfied that a regulated activity is taking place or is about to take place contrary to a lawful requirement, the officer may order immediate stoppage of the regulated activity.

(3) An officer of the inspectorate service may apply to a court for a warrant to enter, inspect and impound goods in any premises where there is reasonable suspicion that an activity is about to or being undertaken contrary to any county laws and where entry has been refused.

Power to arrest

15.(1) Subject to article 49 of the constitution, an officer who has reasonable ground to believe that an offence has been committed or is about to be committed under any

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county law, may arrest –

- a) The person committing or who is about to commit the offence;
- b) Where the offence relates to a regulated activity:-
 - i. the proprietor of the activity; or
 - ii. an employee of the proprietor; or
 - iii. any other person whom the officer reasonably believes that is involved in the execution of the activity.

(2) An officer may use reasonable force to execute arrest, where a person whom is believed to have committed a crime or is about to commit a crime under any county law resists an arrest.

Production in court

16.(1) Where an officer arrests any person under Section 16, the officer shall immediately present the arrested person to a county cell or the nearest police station.

(2)The officer shall then record a statement with the police and shall procure to have the arrested person produced in court within 24 hours.

Power to impound goods

17.(1) Where an officer of the inspectorate service has reasonable grounds to believe that a person is trading in goods contrary to any county law, the officer may impound on the goods and cause them to be stored at a county cell or county premises until the person involved complies with the law or the case against him is determined by court.

(2) An officer who impounds on any goods shall cause a full inventory thereof to be made at the time of such impounding.

(3) Any goods impounded that are subject to rapid decay shall be disposed of with the authority of court after a full inventory has

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been taken and any other records of the same including photographs submitted to court.

(3) Sub-section 1 shall not preclude the relevant county department or agency from dealing with the impounded goods in any other manner permitted by order of the court or by any other law.

Power to impound vessels

18.(1) An officer of the inspectorate service shall have the power to impound any vessels that has been parked or controlled in a manner contrary to any county law or without payment of prescribed parking fee.

(2) An officer may impound any vessel by clamping or towing it to the nearest county premises.

Power to impound animals

19. An officer of the inspectorate service has the power to impound any animal that is kept contrary to any county law.

Power to inspect

20.(1) An officer may stop any person whom the officer witnesses doing or suspects of doing any act in contravention of county law or being in possession of anything for which a permit, license, or certificate or pass is required under any county law and has no such permit, license or certificate.

(2) A person who fails to produce a license, permit, certificate or pass within forty-eight hours when called upon to do so, may be arrested by an officer of the inspectorate service without a warrant.

(3) An officer who abuses the powers under this section commits an offence.

Power to erect barriers

21.(1) Notwithstanding the provisions of any other law, the director may, if he or she considers it necessary to do so for the compliance of law and order or for the inspection or detection of any offence,

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order an officer of the inspectorate service to erect or place barriers in or across any public road or street or in any public place.

(2) An officer of the inspectorate service may take all reasonable steps to prevent any vessel from being driven past any barrier, erected pursuant to subsection (1) and a person who fails to comply with any reasonable signal given by an officer in uniform requiring the person to stop the vessel before the barrier, commits an offence punishable under this Act.

(3) The director shall from time to time maintain records of all barriers erected under subsection (1) and the reasons thereof and shall submit a duplicate record to the county chief officer.

(4) The records referred in subsection (3) shall state the reasons for laying the barriers and shall be open for inspection by authorized persons.

(5) The director in consultation with county executive committee member shall issue guidelines on erection of barriers.

(6) Where the director has considered to erect or place barriers on any road other than a county road, the director shall do so with the concurrence of the road authority responsible for such road and the national police service.

(7) The members of the public may lodge complaints regarding any barriers erected or based by the inspectorate service with the director or any other relevant county or national government authorities.

(8) The person or authority to which a complaint has been lodged shall determine the complaint and communicate the decision so made to the complainant within

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14 days of receiving such complaint.

Cooperation and collaboration

22.(1) The director may formally engage and may enter into a working agreement with the following agencies:

- (a) National Police Service;
- (b) private security firms rendering their services within the county;
- (c) relevant road authority or authorities;
- (d) Kenya Wildlife Service;
- (e) NEMA;
- (f) Kenya Revenue Authority
- (g) Judicial Service Commission
- (h) Directorate of Public Prosecutions
- (i) any other public or private agency in the county.

(2) A working agreement with the national police service shall provide for inter alia:

- (a) the manner and extent to which the inspectorate service shall assist the national police service in implementation of national legislation;
- (b) the manner and terms of deployment of officers of the national police service to the county to assist in the execution of the functions and powers of the inspectorate service;
- (c) provide for such other matters as the inspector general and the director may deem appropriate.

(3) A working agreement with any roads authority shall provide for the manner which any barriers will be erected or placed on any road under the direct management of that road authority.

Un-approved building and structures

23.(1) It shall be unlawful for any person to erect, build establish or keep any structure, building, shed, kiosk or any other structure whatsoever or for whatever purpose on an un-approved site whether on public or

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private land without approval of the county government.

(2) Where it has come to the attention of the county government that there is or there are such structures mentioned in subsection (1) which have been put, adopted, constructed or erected without the approval of the county government, the county government shall give the owner or occupier of such structure seven (7) days' notice to demolish the structure or obtain the approval of the county government.

(3) If the owner and/or occupier does not demolish or obtain approvals within seven (7) days, the county government may demolish such structures and surcharge the owner or occupier of such structure the costs of demolition.

Surcharge

24.(1) The surcharge under section 23 (3) herein may be added to rates payable by rent and or be recovered by the county government as a civil debt subject to a service of notice.

(2) An invoice raised by the county government shall be prima facie evidence of expenses incurred by county government for the demolition.

Service of notice

25. Any notice required to be given under this Act shall be deemed to have been served if-

- (a) served upon the owner;
- (b) served upon the occupant;
- (c) it is placed on a conspicuous place of the structure or buildings; or
- (d) it is advertised in print and electronic media.

Inspection reports

26. An officer of the inspectorate service who

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carries out an inspection under this Act, and who finds noncompliance with any matter provided by county laws or any relevant law, shall make a preliminary report immediately upon completion of the inspection in a prescribed format, a copy of which shall be retained in the premises.

Inspectorate records

27.(1) Every officer of the inspectorate service on duty shall keep a record in such a form as the director may direct and shall record therein all complaints, charges preferred, names of all persons arrested and description of items impounded and the offences with which charges have been preferred.

(2) A copy of any entry in a record kept under subsection 1, certified under the hand of an officer in charge to be a true copy shall be admissible in evidence of its content in all legal proceedings and where a copy of an entry purports to be so certified it shall be presumed until the contrary is proved to be so certified.

Protection from personal liability

28. No matter or thing done by an officer of the inspectorate service shall, if the matter or thing is done in good faith and within the law for the performance and execution of the functions, powers or duties of the inspectorate service, render the officer personally liable to any action, claim or demand whatsoever.

County property

29. Unless specifically authorized by regulations, no officer of the inspectorate shall be entitled to keep or use for his private benefit any item that has been supplied to him at the public expense, but he or she shall hold every such item at the order and disposal of the County.

Surrender of public property on resignation

30.(1) An officer of the inspectorate service who is dismissed from county public service, or resigns from office, or otherwise

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leaves the service of the county, shall forthwith deliver over to their immediate supervisor or person appointed for that purpose every item which has been supplied to him or her and which he or she has not been expressly authorized to keep or use for his private benefit.

(2) Any person who-

- a) fails to comply with subsection (1); or
- b) returns such property in a damaged condition, the damage not being attributable to the proper discharge of his or her duties as an officer of the inspectorate service, commits an offence, and shall be liable on conviction, whether or not any penalty is otherwise imposed, for the cost of replacing such property, or, as the case may require, for the cost of repair, and such cost shall be recoverable by the county through appropriate mechanisms, and shall be a debt due from such person to the County.

PART IV—OFFENCES

Impersonating an officer

31.(1) A person other than an officer of the inspectorate service who, without the written authority of the director -

- a) puts on or assumes, either in whole or in part, the uniform, name, designation or description of an Inspectorate officer, or a uniform, name or designation ,resembling or intended to resemble the uniform, name or designation of an officer of the inspectorate service; or
- b) in any way impersonates an officer of the inspectorate service for any purpose which he would not by law be entitled to do of his own authority commits an offence and shall be liable on conviction to a fine not exceeding one million shillings or to a term of

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imprisonment not exceeding ten years, or to both.

(2) Notwithstanding subsection (1) a person may, with the written approval of the director, use the uniform of the inspectorate service for artistic purposes.

Obstruction of an officer

32.(1) No person shall obstruct or hinder, or knowingly make a false or misleading statement to an officer of the inspectorate service who is carrying out duties under this Act.

(2) Any person who-

- a) assaults, resists or willfully obstructs an officer of the inspectorate service in the due execution of the officer's duties;
- b) assaults, resists or willfully obstructs any person acting in aid of an officer of the inspectorate service;
- c) attacks an animal belonging to the inspectorate service, or
- d) intentionally or recklessly, destroys any items belonging to the inspectorate service, - commits an offence and shall be liable on conviction to a fine not exceeding one hundred thousand shillings or to imprisonment for a term not exceeding one year, or to both.

General penalty

33. Any person who is convicted of an offence under this Act for which no penalty is prescribed shall upon conviction of that offence be liable to a fine not exceeding shillings 50,000 or to imprisonment for a term not exceeding one year or to both.

Arrangements with other public offices

34. The governor or the county executive committee member with the approval of the

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governor shall put in place arrangements with:-

- (a) The office of the director of public prosecutions for the purpose of facilitating prosecution of those who contravene county laws;
- (b) The judicial service commission for the purpose of allocation and designation of magistrates to adjudicate on criminal matters arising from county laws and the transmission of fines paid by those convicted of county offences into the county revenue fund;
- (c) The relevant public authorities dealing with matters of incarceration of criminal suspects and convicts;
- (d) the cooperation between the inspectorate service and the community policing forums and committees in the County established under Section 96 of the national police service act.

PART V — MISCELLANEOUS PROVISIONS
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Transitional clause

- 35.** All persons who immediately before the commencement of this Act were serving as enforcement officers or persons engaged in service of the county on permanent and pensionable terms as watchmen or inspection officers shall upon commencement of this Act be deemed to be officers of the inspectorate service and shall continue to serve on the same terms as the officers were serving before the commencement of this Act.

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Fines

36. All fines imposed and recovered by a court from an offender shall be paid to and collected by the county government as revenue.

Regulations

37. Subject to approval by the County Assembly, the County Executive Committee Member may through the County Executive Committee make regulations to:

- (a) further prescribe and regulate the conduct of officers of the inspectorate service;
- (b) facilitate the implementation of this Act.

FIRST SCHEDULE

{S. 7(2)}

RANK AND SENIORITY OF THE INSPECTORATE

a) Gazetted Officers

- i. Director of County Inspectorate;
- ii. Deputy Director of County Inspectorate;
- iii. Commandant;
- iv. Senior Superintendent;
- v. Superintendent;
- vi. Acting Superintendent;

b) County Inspectorate Officers

- i. Chief Inspector;
- ii. Inspector ;
- iii. Acting Inspector;

c) Other County Inspectorate Officers

- i. Senior Sergeant;
- ii. Sergeant;
- iii. Corporal;
- iv. Constable

SECOND SCHEDULE

{S. 7(4)}

BADGES OF RANK AND INSIGNIA OF THE INSPECTORATE SERVICE

KAJIADO COUNTY INSPECTORATE BADGES OF RANK AND INSIGNIA

Director County Inspectorate

Ceremonial

Working



Dimensions
25mmL, 23mmW



Dimensions
25mmL, 23mmW



Dimensions
17mmL, 18mmW



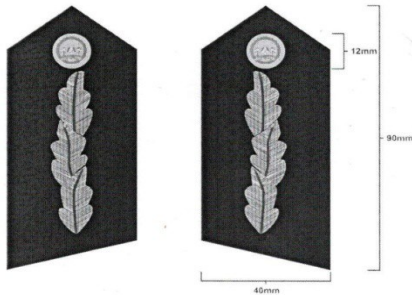
Dimensions
17mmL, 18mmW



Dimensions
38mmL, 40mmW



Dimensions
38mmL, 40mmW



Deputy Director County Inspectorate

Ceremonial

Working



Dimensions
25mmL, 23mmW



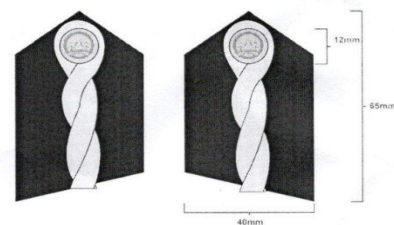
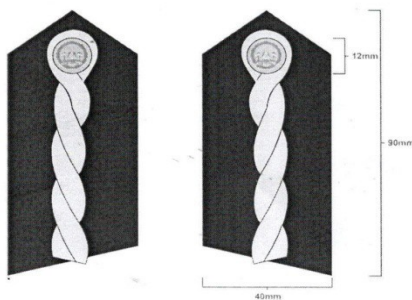
Dimensions
25mmL, 23mmW



Dimensions
38mmL, 40mmW



Dimensions
38mmL, 40mmW



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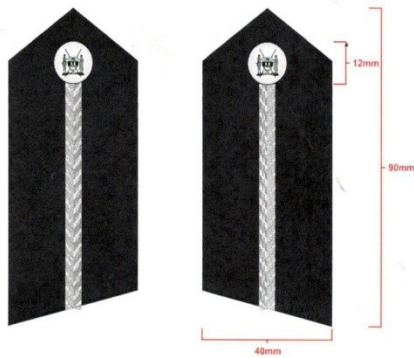
County Commander
Ceremonial



Dimensions
17mmL, 18mmW



Dimensions
17mmL, 18mmW



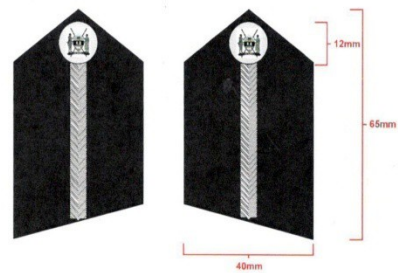
Working



Dimensions
17mmL, 18mmW



Dimensions
17mmL, 18mmW



Senior Superintendent
Working



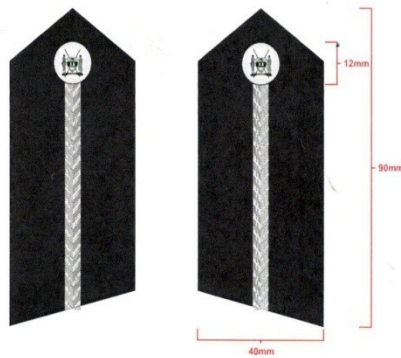
Dimensions
25mmL, 23mmW



Dimensions
17mmL, 18mmW



Dimensions
17mmL, 18mmW



Ceremonial



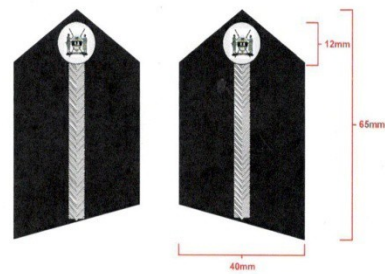
Dimensions
25mmL, 23mmW












Dimensions
17mmL, 18mmW





Dimensions
17mmL, 18mmW



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Superintendent	Acting Superintendent	Chief Inspector / Chief Security Inspector
 <p>Dimensions 25mmL, 23mmW</p>  <p>Dimensions 17mmL, 18mmW</p>	 <p>Dimensions 25mmL, 23mmW</p>	 <p>Dimensions 17mmL, 18mmW</p>  <p>Dimensions 17mmL, 18mmW</p>  <p>Dimensions 17mmL, 18mmW</p>
Inspector / Security Inspector	Acting Inspector / Acting Security Inspector	
 <p>Dimensions 17mmL, 18mmW</p>  <p>Dimensions 17mmL, 18mmW</p>	 <p>Dimensions 17mmL, 18mmW</p>	

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<p>SENIOR SERGEANT</p>	
<p>SERGEANT</p>	
<p>CORPORAL</p>	