

**THE VIHIGA COUNTY YOUTH SERVICE BILL, 2021
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THE VIHIGA COUNTY YOUTH SERVICE BILL, 2021

A Bill for

AN ACT of the County Assembly of Vihiga to give effect to Articles 55 of the Constitution; to make provision for the establishment of the Vihiga County Youth Service Board and for matters connected therewith and incidental thereto.

ENACTED by the County Assembly of Vihiga as follows:-

PART I- PRELIMINARY

1. Short title

This Act may be cited as the Vihiga County Youth Service Act, 2021 and shall come into operation on the 14th day after publication in the Kenya Gazette.

2. Interpretation

In this Act unless the context provides otherwise—

“Board” means the Vihiga Youth Service Board established under section 8;

“County” means Vihiga County;

“Constitution” means the Constitution of Kenya;

“Disability” means a physical, sensory, mental or other impairment, including any visual, hearing, learning or physical incapability, which impacts adversely on a person’s social and economic participation;

“Executive Committee Member” means the County Executive Committee Member for the time being responsible for youth affairs or Finance in the context in which the term is used;

“Governor” means the Governor of Vihiga County;

“Member” means any person in the Service ;

"Service" means Vihiga County Youth Service;

“Register” means any register maintained by and on behalf of the Board under this Act;

“Recruit” refers to a youth undergoing training in the School;

“Unit” means the Service Inspectorate Unit;

“Youth” has the meaning assigned to it in Article 260 of the Constitution.

3. Objects and purpose of the Act

- (a) The object and purpose of this Act is to give effect to Article 55 of the Constitution by providing for the legal framework for the County to-
- (b) implement appropriate measures to promote and protect the welfare of the youth;
- (c) identify and implement affirmative action programs to ensure that the youth-
 - (i) access relevant education and training;

- (ii) have opportunities to associate, be represented and participate in political, social, economic and other spheres of life;
- (iii) access employment; and
- (iv) are protected from harmful cultural practices and exploitation.
- (d) provide for the County Youth Service, its administration and funding;
- (e) provide for the establishment, registration and management of youth organizations and the youth technical teams;
- (f) provide for measures to be implemented by the county to reduce youth poverty, unemployment and helplessness;
- (g) provide for a database of all trained youth in the county;
- (h) provide for training of the youth to meet the market demand in the county and outside the county; and
- (i) provide for partnership arrangement with other governmental and non-governmental organizations for the implementation of national and county policies on youth in the county.

4. Application of the Act

This Act applies to and shall bind the County government and all agencies involved in youth programs in the county.

5. Guiding principles

All persons subject to this Act shall at all times respect, uphold and defend the provisions of the Constitution and all other legislations on the rights of the youth.

PART II-ESTABLISHMENT OF THE SERVICE

6. Composition of the Service

- (a) There is established for Vihiga County the Vihiga County Youth Service which when fully operational shall have in its composition the Board, the Unit, the County Youth Technical Committee, the Sub-county youth technical committees, the ward youth technical committees, the youth training service school and any other entity as may be determined by the County Executive Committee.
- (b) Despite sub-section (1) the Service shall become operational on commencement of this Act as though it was fully operational in terms of this section until its composition is fully attained.

7. Responsibility of the Service

The Service shall be responsible for all matters concerning the youth in the County and shall be under the overall administration of the Board.

PART III –ADMINISTRATION

8. Establishment of the Board

There is hereby established the Vihiga Youth Service Board which shall be-

- (a) a body corporate with perpetual succession and a seal;
- (b) capable of suing and being sued in its corporate name;
- (c) Capable of taking, purchasing or otherwise acquiring, holding, charging or disposing of movable or immovable property;
- (d) Borrowing money or making investments;
- (e) Entering into contracts; and
- (f) Doing or performing all other acts or things for the proper performance of its functions under this Act which may lawfully be done or performed by a body corporate.

9. Composition of the Board

(1) The Board shall comprise-

- (a) a Chairperson who shall be a youth and not an officer in the County Public Service appointed by the County Executive Committee Member in consultation with the Governor;
- (b) the County Chief Officer responsible for youth affairs or an officer not being of the rank below a director designated by him or her in writing or;

- (c) the County Chief Officer responsible for education or an officer not being of the rank below a director designated by him or her in writing;
 - (d) the County Chief Officer responsible for finance or an officer not being of the rank below a director designated by him or her in writing;
 - (e) the County Attorney or a person authorized by him or her in writing;
 - (f) one person nominated by the National Youth Council;
 - (g) not more than six youth with every sub-county being represented by one member nominated by the Committee in the manner provided in Section 30 of this Act;
 - (h) two youth, a female and a male nominated by the body recognized as representing persons with disabilities in the County;
 - (i) the Director in charge of youth affairs in the County who shall be the secretary and an ex-officio member.
- (2) The Board shall elect a vice chairperson from amongst the members at the first sitting who shall not be of the same gender as the Chairperson.

10. Qualification of the Chairperson and Board member

- (1) A person shall be qualified for appointment as the chairperson of the Board if that person—
- (a) is a resident of Vihiga County;
 - (b) holds at least a first degree in the relevant discipline from a university recognized in Kenya;
 - (c) has at least three years' experience in youth development;
 - (d) has demonstrated ability in youth leadership and youth mobilization;
 - (e) has actively contributed to the promotion of, youth development agenda;
 - (f) is not an official of any political party registered in Kenya; and
 - (g) satisfies the requirements of Chapter Six of the Constitution.
- (2) A person shall be qualified to be appointed as a member of the Board if that person:
- (a) satisfies the requirements of Chapter Six of the Constitution;
 - (b) holds at least a C- grade in Kenya Certificate of Secondary Education examinations or its equivalent;
 - (c) has proven experience in youth leadership for at least two years; and
 - (d) is not an official of any political party registered in Kenya.
- (3) The County Executive Committee member shall cause to be published in the Kenya Gazette names of the Board members as soon as practicable after conclusion of the appointments.

11. Remuneration of the Board and Committees

Board members and members of the Committees established under this Act shall be entitled to such allowances as may be determined by the County Public Service Board on the advice of the Salaries and Remuneration Commission.

12. Tenure of a Board member

- (1) A Board member appointed under Section 9 (a) (f) (g) and (h) shall serve for a term of three years and may be reappointed to a similar single term.
- (2) Board members other than those who become members by virtue of their offices in the County Public Service shall serve on a part-time basis.

13. Termination from office as a Board member

- (1) A Board member may cease being such a member –
- (a) If he or she dies while in office;
 - (b) by resignation in writing addressed to the Governor at least thirty days before the date for resignation;
 - (c) If convicted of a criminal offence punishable by a term of imprisonment exceeding six months;
 - (d) If he or she fails to attend two consecutive meetings of the Board without permission of the Chairperson or acceptable reason;
 - (e) If he or she ceases to hold the office or qualification of member;
 - (f) is incapacitated by prolonged physical or mental illness;
 - (g) is found to have acted in a manner inconsistent with the aim and objectives of this Act;
 - (h) fails to comply with the provisions of this Act relating to disclosure;

- (i) is otherwise unable or unfit to discharge his or her functions as member of the Board; or
 - (j) Is removed from office after the due process for gross violation of the Constitution, national or county law, or for other sufficient reason:
- (2) Provided that if a member who fails to attend meetings of the Board as provided in subsection (d) is an officer in public service, such an officer shall not cease to be a member but shall be reported by the Board to the appointing authority for the appropriate disciplinary action.

14. Conduct of business of the Board and Committees

- (1) The conduct of business and affairs of the Board under this Act shall be as provided for in the First Schedule.
- (2) The Committees established under this Act may apply the conduct of business of the Board as provided in the First Schedule or as may be directed by the County Executive Member through regulations.
- (3) Except as provided, the Board and the Committees established under this Act regulate own procedure.

15. Functions of the Board

(1) The functions of the Board are-

- (a) to establish the Vihiga Youth Service;
- (b) to register the youth in the Service;
- (c) to establish and equip Vihiga Youth Training School and the centers;
- (d) to determine the course content and training programs in the training school and the centers;
- (e) to set, in consultation with the County Public Service Board, the qualifications and requirements for the trainers and instructors to be employed in the Unit and the School and the centers;
- (f) to receive, review and approve admission of applicants to the Service;
- (g) to receive and hear appeals from decisions made during the recruitment exercise;
- (h) to carry out public education on youth related matters in the county directly and in collaboration with the Committees established under this Act and other public or private bodies and institutions;
- (i) to facilitate citizen participation in matters related to youth in accordance with the framework for citizen participation established under the County Governments Act 2012, the Urban Areas and Cities Act 2011 or any other relevant written law;
- (j) to secure employment and placement of youth in formal, informal and other forms of employment, locally and internationally;
- (k) to facilitate, through continuous training and other activities of education of youth on possible improvement of their employment chances and work skills;
- (l) to advise the County Government on any policy matter touching on affirmative action for the youth in line with National Youth Policies;
- (m) to facilitate the implementation of national government policies and County Government policies on affirmative action measures for the youth;
- (n) to carry out research directly or in collaboration with other institutions and serve as the repository of data and statistics related to youth in the county;
- (o) to advise the County Executive Committee Member generally on the exercise of his powers and performance of his functions under this Act, and in particular on county policy and laws to be adopted in regard to the youth;
- (p) in collaboration with other relevant county departments, to prepare and submit a youth empowerment status report bi-annually by the 30th June and 31st December each year in the prescribed manner to the Executive Member which shall be transmitted to the County Executive Committee and the County Assembly;
- (q) to recommend to the Executive Member and participate in the formulation of laws and regulations related to youth;
- (r) to carry out such other roles necessary for the implementation of the object and purpose of this Act and perform such other functions as may from time to time be assigned by the Executive Member;
- (s) to prepare and submit an annual budget to the Executive Member and the County Assembly for approval by 30th April each year; and
- (t) to perform such other function as may be assigned to it by the County Executive Committee Member in consultation with the Governor or by written law applicable to counties.

- (2) The report in Sub-section (1) (p) shall include-
- (a) data on the status youth organizations and the number of youths trained and engaged in the Service ;
 - (b) data on the disaggregated in terms of age, gender and geographical location;
 - (c) impact of the training and services in the County;
 - (d) measures adopted to implement the Act in the County;
 - (e) challenges faced in the implementation of the Act;
 - (f) level of collaboration with other County Government departments and agencies; and
 - (g) any other matter relevant to the implementation of the Act.

16. The Board accountable to the County Executive Committee Member
The Board shall in the performance of its functions under this act be accountable to the County Executive Committee Member.

17. Secretary to the Board

(1) There shall be a Secretary of the Board who shall be the Director of youth affairs in the County.

(2) The Secretary shall—

- (a) be responsible for the day to day administration of the Service;
- (b) in consultation with the Board, be responsible for the direction of the affairs and transactions of the Service, the exercise, discharge and performance of its objectives, functions and duties, and the general administration of the Board;
- (c) keep the minutes, books and records of the Board; and
- (d) be the head of the Secretariat of the Board; and
- (e) perform any other duties as directed by the Board.

18. The staff of the Board and the Service.

- (a) The County Public Service Board shall, in consultation with the Board ensure that the Board and the Service has qualified and adequate staff to perform the functions assigned by this Act.
- (b) The County Public Service Board may, on the basis of a defined legal framework, delegate powers of employment of staff of the Board and the Service to the Board.

PART IV-ESTABLISHMENT OF VIHIGA YOUTH SERVICE TRAINING SCHOOL

19. Establishment of the School

There is established for Vihiga County the Vihiga Youth Service Training School.

20. The School to be part of the Service

The School shall be part of the Service and shall be under the management of the Board.

21. Decentralization of the School

The School shall decentralize its operations to the centers to be opened in every sub-county.

22. The School to admit and train youth

The school shall admit and train youth who qualify in different disciplines in order to create skilled workforce for county and beyond the county.

23. Administration of the School

The school shall be administered on behalf of the Board by the Service Inspectorate Unit.

24. School to sponsor youth and secure scholarships.

The school may hold its training sessions anywhere within the county and shall implement programs to sponsor and secure scholarships for their training in the national institutions within Kenya and outside Kenya.

PART V- THE SERVICE INSPECTOTARE UNIIT

25. Establishment of the Unit

- (1) (There is hereby established the Vihiga Youth Service Inspectorate Unit;
- (2) The Unit shall be under the supervision of the Board.
- (3) The Unit shall have in its ranks the following officers in the order of seniority-
 - (a) Chief Inspector, who shall be the head of the Unit;
 - (b) Deputy Chief Inspector; who shall be the deputy head of the Unit;
 - (c) Inspector,
 - (d) Deputy Inspector, and
 - (e) any other officer the County Public Service Board may, in consultation with the Board, deem suitable to serve in the Unit.

26. The functions of the Unit

- (1) The functions of the Unit shall be to-
 - (a) offer training and instruction to members of the Service while in the School or a center or wherever the Board shall decide;
 - (b) to maintain order and discipline during and after the training of the youth; and
 - (c) to carry out such other activities necessary for the implementation of the objects and purpose of this Act and for the performance of the functions assigned by this Act and the Board.
- (2) The officers of the Unit may serve on part time basis and on terms to be determined by the County Public Service Board.
- (3) Despite subsection (2), the Chief Inspector shall be appointed to a term of three years on full time basis which may be renewed once.

27. Qualifications of Chief Inspector

- (1) A person shall be qualified to be appointed a Chief Inspector if that person-
 - (a) has previously served in any of the disciplined forces of the Republic of Kenya for at least 5 years;
 - (b) is a citizen of Kenya;
 - (c) qualifies to be a training instructor in accordance with the relevant training standards;
 - (d) has had a distinguished career in their respective fields;
 - (e) satisfies the requirements of Chapter six of the Constitution; and
 - (f) has served in a senior management position for at least five years.
- (2) The functions of the Chief Inspector are to-
 - (a) be responsible for the effective and efficient administration and operations of the School;
 - (b) undertake the supervision of the disciplinary related matters in the Service;
 - (c) manage discipline and training in the Service;
 - (d) implement the decisions of the Board; and
 - (e) perform such other duties as may be assigned by the Board, or by any other written law.

28. Termination of service of the officers of the Unit

- (1) The service of the Chief Inspector and other officers in the Unit may be terminated on any of the following grounds-
 - (a) for gross misconduct whether in the performance of their functions or otherwise;
 - (b) for inability to perform functions of the office arising out of physical or mental incapacity;
 - (c) for serious violation of the Constitution or any other law;
 - (d) for incompetence;
 - (e) if the officer dies while in service; and
 - (f) if declared bankrupt.
- (2) Despite sub-section (1), the office of the Chief Inspector shall become vacant if the officer-
 - (a) resigns from office by a notice in writing addressed to the Chairperson of the County Public Service Board with a copy to the Chairperson of the Board; or
 - (b) is removed from the office in any other manner provided by law.

PART VI- ESTABLISHMENT OF THE COUNTY YOUTH TECHNICAL COMMITTEE

29. Establishment of the County Youth Technical Committee

- (1) There is established by this Act the Vihiga County Youth Technical Committee.
- (2) The Committee shall comprise the following members all who shall be youth save for the ex-officio member-
 - (a) the Chairperson;
 - (b) the Vice- Chairperson;
 - (c) the Secretary;
 - (d) the Treasurer;
 - (e) the Organizing Secretary;
 - (f) the Director responsible youth affairs in the County Public Service who shall be an ex-officio member; and
 - (g) not more than five other members elected by the delegates at a youth conference to be convened for the purpose by the County Executive Committee Member in accordance with the rules to be developed by the member:
- (3) Members elected under sub-section 2 shall at the youth conference contemplated under sub-section 2(g) elect the members provided in subsection 2 (a) (b) (c) (d) and (e).
- (4) The rules for the election of the Committee members under this Part shall be developed by the County Executive Committee Member and shall provide for-
 - (a) the manner of compliance with the one third gender rule;
 - (b) the nomination of the Committee's representative to the Board and
 - (c) the process by which every sub-county in the County shall be represented by at least one member in the Committee with the exception of Hamisi Sub-county which shall be represented by at least two members.

30. The functions of the County Youth Technical Committee

Functions of the Committee are-

- (a) to coordinate youth activities in the County;
- (b) to maintain on behalf of the Board registers for youth in the County and to submit them to the Board when required to do so;
- (c) to oversight the operation of the Sub-County and Ward Youth Technical Committees;
- (d) to register youth seeking enrolment training in the school and to provide the logistics required by the Board for the enrolment;
- (e) to nominate members of the Board provided for in section 9 (g);
- (f) to coordinate nomination of members of the Board provided in section 9 (g); and
- (g) to perform all functions assigned to the Committee by the Board.

31. Qualifications of a County Youth Technical Committee Member.

The qualification for election of a member of the Committee shall be the same qualification of a member of the Board.

32. Tenure of a Committee member

- (1) A member of the Committee save for the *ex officio* member shall serve for a term of three years and shall be eligible for reelection to a single similar term.
- (2) Despite sub-section (1), any youth who is serving or holding a position of the status of a Chairperson, Vice Chairperson, Secretary, Treasurer, Organizing Secretary or other office at the County level on the date of coming into effect of this Act shall continue to hold the respective position until the elections for the County Youth Technical Committee are finalized which shall not be later than twelve months from the date of commencement.

33. Termination of service of a Committee Member

- (1) The service of a Committee member may be terminated on any of the following grounds-
 - (a) in the same manner as a Board Member save that for the resignation of a member, the letter of resignation shall be addressed to the County Executive Committee Member; or

- (b) following a resolution supported by the majority of the delegates at a special youth conference called for the purpose.

PART VII- ESTABLISHMENT OF THE SUB-COUNTY AND WARD YOUTH TECHNICAL COMMITTEES

34. Establishment of the Sub-county Technical Committees

There is established for each sub-county a sub-county youth technical committee.

35. Composition of Sub-county Youth Technical Committee

A sub-county Youth Technical Committee shall comprise-

- (a) a Chairperson appointed by the County Executive Committee Member and nominated by the respective ward youth technical committees;
- (b) two persons a male and a female from each ward in the Sub-County nominated by the members of the respective ward youth technical committees from amongst themselves;
- (c) two persons a female and a male nominated by the organization in the county recognized as representing persons with disabilities;
- (d) two persons a male and a female nominated by a registered youth organization with the majority membership in the Sub-County; and
- (e) the Sub-county administrator who shall be an ex officio member.

36. Functions of Sub-county Youth Technical Committee

The functions of the Sub-County Youth Technical Sub-committee shall be to-

- (a) to execute the same functions as of the Youth Technical Committee at sub-county level save for the functions provided in Section 30 (e) and(f);
- (b) assist the Committee in the coordination of youth activities and oversight of the Ward Technical Sub-committee; and
- (c) to perform any other function directed by the Youth Technical Committee on the advice of the Board in writing.

37. Establishment of Ward Youth Technical Committee

- (1) There is established in every Ward, a Ward Youth Technical Committee.
- (2) The Ward Youth Technical Sub-committee shall comprise-
 - (a) a Chairperson appointed by County Chief Officer responsible for youth affairs pursuant to elections held by the by the registered youth organizations with the majority membership in the County or an alliance of registered youth organization with the majority members;
 - (b) not more than eight persons not being from the same location elected by the registered youth organizations with the majority membership in the County or an alliance of registered youth organization with the majority members;
 - (c) two members a female and a male nominated by the body recognized as representing persons with disabilities in the County; and
 - (d) the Ward administrator who shall be an ex-officio member.
- (3) The County Executive Committee Member shall issue guidelines for the nomination of members appointed under sub-section 2 (a) (b) and (c).

38. Functions of the Ward Youth Technical Committees

The functions of the Ward Youth Technical Committee shall be to-

- (a) perform the functions assigned by the Board and the Youth Technical Committee through the Sub-County Technical Committee; and
- (b) to submit to the supervision of the Sub-county Technical Committee in the performance of the functions.

39. Tenure, Remuneration and Termination of Sub-County and Ward Youth Technical Committees

A sub-county and ward youth technical Committee member shall-

- (a) serve for a term of three years and may be re-elected to single similar term;
- (b) be entitled to remuneration determined by the County Public Service Board;

- (c) cease to be a member in the same manner provided in Section 33 of this Act save that in the case of resignation of a member, the letter shall be addressed to the County Chief Officer responsible for youth affairs; and
- (d) not be subject to removal from office in the manner provided in section 33 (b) but may be recalled by the nominating organization in the manner provided in the rules.

PART VIII—ADMISSION TO THE SCHOOL AND REGISTRATION OF YOUTH ORGANIZATIONS

40. Admission to the School

- (1) A person seeking to be admitted to the school for training shall apply to the Board in the prescribed form free of any charge.
- (2) A person shall be qualified for admission to the school if that person—
 - (a) is a citizen of Kenya;
 - (b) is a resident of Vihiga County;
 - (c) holder of Kenya Certificate of Primary Education certificate or its equivalent;
 - (d) is a youth; and
 - (e) meets any other qualification prescribed by the Board in consultation with the Unit.
- (3) An application for admission submitted under this section shall be accompanied by a declaration by the applicant in the prescribed form verifying the information in the application form while exempting the Board from liability for any false or inaccurate information contained in the form.
- (4) An applicant who willfully or negligently submits an application which contains false or inaccurate information commits an offence and shall be liable, on conviction, to a fine not exceeding fifty thousand shillings, or to imprisonment for a term not exceeding three months, or both.

41. School registers

- (1) The Board shall maintain up-to-date registers of all youth admitted to the School for training.
- (2) The register referred to under subsection (1) shall contain—
 - (a) particulars of the youth recruited;
 - (b) particulars of the youth trained and their specialized skills;
 - (c) academic qualifications;
 - (d) work experience, if any;
 - (e) contact details;
 - (f) the ward and Sub- county from which the youth comes from;
 - (g) details of whether the youth is living with any form of disability or challenge;
 - (h) gender;
 - (i) areas of interest; and
 - (j) such other details as the Board may consider necessary.

42. Provision on registration of youth organizations

- (1) Subject to any other law in force providing for the registration of youth organizations, the Board shall receive applications for registration of youth organizations and shall register youth organizations that satisfies the requirements for registration prescribed by the Board,
- (2) Upon registration of a youth organization under this section, the Board shall issue a certificate of registration to the organization in the prescribed form.
- (3) The County Executive Committee Member shall develop regulations to provide for the forms of registration of youth organizations, their management and any other matter connected with the governance of a youth organization.
- (4) Reference to the term " youth organization" in this Act shall be reference to a youth organization registered in accordance with this section and governed in the manner prescribed in the regulations

43. Prohibition from unauthorized use of data.

- (1) The data obtained under this Part shall not be used for any other purpose other than the purpose authorized under this Act.

- (2) A person who contravenes subsection (1) commits an offence and shall be liable on conviction to a fine not exceeding one hundred thousand shillings or imprisonment term not exceeding six months or to both.

PART IX—PROVISIONS ON RECRUITMENT, TRAINING AND COUNSELLING

44. Recruitment procedure for the School

- (1) The School shall consist of such number of trainees as may from time to time be recruited and trained by the Service Inspectorate Unit in consultation with the Board.
- (2) The trainees shall be recruited from the registered youth organizations in each ward in the County on the basis of the criteria developed by the Board which shall be proportionate and equitable.
- (3) The Board may, in consultation with the County Public Service Board engage the national government or an expert to aid in the recruitment process if there is a compelling need to do so.
- (4) Every recruit under this Part shall attend training programs while in School and remain in the Service for such period and on such terms as may be prescribed by the Board,

45. Duties of the recruits while in the School

Every recruit shall while in School—

- (a) perform such duties and carry out such training as he may be directed by the trainer or an officer senior to or placed in charge of him or her; and
- (b) obey and execute promptly all instructions lawfully issued by the trainers or officers placed in charge of him or her.

46. Termination from training

- (1) The Board may at any time during the period of training of the recruit terminate such training if-
 - (a) the Unit so recommends to the Board in writing giving reasons; and
 - (b) after investigations into the allegations against the recruit, the Board is satisfied that there are sufficient grounds to terminate the recruit:
- (2) The Board shall not terminate a recruit before according him or her a fair hearing.
- (3) A recruit whose training is terminated under this section shall not be re-admitted to the School.

47. Discontinuance of training

- (a) A recruit may on an application in writing to the officer in charge of the Unit, be permitted to discontinue training before the expiration of his or her period of training.
- (b) A recruit whose training is terminated under this section may reapply to the Board for readmission and may be re-admitted by the Board.

48. Facilitation for recruits

- (1) Every recruit admitted to the School shall be facilitated by the County Government from the budget approved in the annual estimates by the County Assembly.
- (2) The Board shall design programs that are ideal for training of the recruits on any matter relating to youth affirmative action and facilitate such trainings.

49. Development of training policy and curriculum

The Board shall, in consultation with the Executive Committee Member-

- (a) develop a training policy for the Service;
- (b) draw a training curriculum to be approved by the County Executive Committee;
- (c) implement both the policy and the approved training curriculum and
- (d) regulate and review the training curricula to ensure its relevancy to the trainees and to the Service.

50. Counseling

- (1) The Board shall provide free and indiscriminate counseling services to youth on general matters affecting their health, social and economic progress.
- (2) The Board shall develop and implement an annual plan for the counseling which shall specify the period, venue and manner of conducting such counseling,

51. Issuance and return of equipment

- (1) Every recruit shall on admission to the School be issued with training equipment including uniform, clothing and any other equipment necessary to his or her training while in School.
- (2) On leaving the School every recruit shall forthwith deliver up to such person as may be authorized in that behalf, any uniform, clothing and equipment supplied to him or her by or on behalf of the Service in good condition free of any damage or tear.
- (3) Any person who fails to comply with the provisions of subsection (2) of this section, or who returns such property in a damaged or torn condition, the damage or tear not being attributable to the proper discharge of his or her duties whilst a trainee in the School, shall be liable for the cost of replacing or repairing such property, and such cost shall be a debt due from such person to the County and shall be recoverable by deduction from any moneys due from the County to such person, for the whole amount, or for any balance due after such deduction as aforesaid or by any other manner approved by the Board.

52. Certificate of completion of training

Upon successful completion of the training a Certificate in the prescribed form shall be issued to the youth as evidence of successful training under this Act.

53. Graduation

Once in every year of training at the School the Board shall, in consultation with the Unit, organize a ceremony presided over by the County Governor or his or her authorized representative where the youth who have successfully completed training shall present in a graduation parade to mark the occasion and to be awarded certificates of completion of training.

PART X- DISCIPLINE

54. Code of discipline

- (1) The Board shall subject to approval by the County Public Service Board develop a Code of Discipline for—
 - (a) the staff of the Board;
 - (b) the officers serving in the Unit; and
 - (c) the recruits undergoing training.
- (2) The code of conduct for the recruits shall not require mandatory approval by the County Public Service Board.
- (3) The Code shall provide for-
 - (a) the offences that are punishable under the Code;
 - (b) making and receipt of complaints;
 - (c) investigations of complaints;
 - (d) disciplinary proceedings and determinations; and
 - (e) punishments and penalties including dismissal from the Service, fines; stoppages of pay or allowances, suspension or a combination thereof.
- (4) The disciplinary code will be anchored on fair administrative action envisaged under the Constitution.

55. Prohibited behavior

The following behavior is prohibited in the Service and shall result into punishment —

- (a) insubordination;
- (b) any form of violence to any member or to property owned by the Service;
- (c) incitement;
- (d) drunkenness and any other disorderly conduct;
- (e) using threatening or insubordinate language to any member or officer

56. Desertion

- (1) Any member who absents himself or herself from Service without leave, just cause, or prior authorization in writing for a period of seven days shall, unless the contrary be proved, be deemed to have deserted from the Service.
- (2) A member who deserts from the Service shall forfeit any pay, allowances or benefit due to him or her and all rights in respect of any savings scheme operated by the Service.
- (3) No pay or allowances shall be paid to any member in respect of any day during which he is absent from duty or from School.

PART XI—AFFIRMATIVE ACTION IN EMPLOYMENT AND YOUTH ACTIVITIES

57. Application of affirmative action

- (a) The County Executive shall, in consultation with the County Public Service Board implement measures to ensure that the youth are considered for employment to fill positions falling vacant within the County administration, any public and private institutions and for promotions to positions of leadership and management in those establishments.
- (b) The County may come up with and implement incentives to reward any private institution that employs the youth or advances affirmative action in activities that are of benefit to the youth in the County.
- (c) In the promotion of affirmative action for the economic welfare of the youth, the County Government shall in consultation with the Board, operationalize a Start-Up Fund to provide financial support on terms determined by the County Executive Committee to youth who wish to start private business in self-employment or other measures and actions designed to promote youth employment at all levels.
- (d) To give full effect to this section, the Board shall maintain an accurate database of the youth who graduate from the School and the youth who engage in private businesses on the basis of which youth employment and financial support shall be determined.
- (e) The database maintained under subsection(4) shall be updated every three months and shall be posted on the County's website and on any other forum approved by the Board for notification to the public, potential employers and financiers.
- (f) The Board or a member of the Service may petition the County Public Service Board where any employment to a position in the County Public Service made after the commencement of this Act has been effected in violation of this section and for the remedies provided in section 86 of the County Governments Act.

PART XII—FINANCIAL PROVISIONS

58. Establishment of the Fund

There is established the Vihiga County Youth Service Fund.

59. Funding

- (1) There shall be paid into the Fund—
 - (a) such moneys as may be appropriated by the county assembly annually;
 - (b) such sums as may be realized from Board's business;
 - (c) moneys earned or arising from any investment of the funds;
 - (d) donations, gifts, grants and endowments given to the Board;
 - (e) such monies or assets as may lawfully accrue to the Board under this Act; and
 - (f) other sums which may in any manner become payable to, or vested in, the Board.
- (2) Moneys held in the Fund shall be applied by the Board for the operations of the Service and for the furtherance of the objects and performance of the functions of the Board as prescribed under this Act.
- (3) An amount not less than fifteen percent held in the Fund shall retained in the Youth Start-Up Account operated under this Act and shall be utilized solely for promotion of youth enterprises.
- (4) The Fund shall be administered in accordance with the Public Finance Management Act and Regulations.
- (5) The Fund shall be administered on behalf of the Service by an administrator appointed by the Executive Committee Member responsible for finance.

60. Financial year.

The Financial Year of the Board shall be the period of twelve months ending on the thirtieth day of June in each year.

61. Annual estimates.

- (1) At least three months before the commencement of each Financial Year, the Board shall cause to be prepared estimates of revenue and expenditure of the Board for that year.
- (2) The annual estimates shall make provision for the total estimated expenditure of the Board for the Financial Year, and for the operations of all components of the Service.
- (3) The annual estimates as approved by the Board shall be submitted to the County Executive Committee during the budget making process to be included in the County's annual budget for approval by the County Assembly.
- (4) No expenditure shall be incurred by the Board for any purpose except in accordance with the annual estimates approved under subsection (3), or in pursuance of an authorization given to the Board by the Executive Committee Member responsible for finance.

62. Financial records and audit.

- (1) The Board shall cause to be kept all proper books and other records of accounts of the income and expenditure and of the assets and liabilities of the Board.
- (2) The accounts of the Board shall be audited and reported upon in accordance with the provisions of the Public Financial Management Act and Public Audit Act.

63. Annual reports.

- (1) At the end of every Financial Year or on the written request by the Executive Committee Member or the Governor, the Board shall submit a report on the discharge of its functions under this Act or any other written law.
- (2) The report referred to under subsection (1) shall include—
 - (a) number of youth registered and trained in the period under review;
 - (b) number of youth who have secured employment or engagement during the period under review;
 - (c) any challenges encountered in the discharge of the functions of the Board;
 - (d) any policy matters that the Board may require to be addressed by the Executive Committee Member or County Government;
 - (e) any other matter pertinent to the discharge of functions under this Act.
- (3) An annual report referred to under this section shall be published and publicized and shall be included in the Annual State of the County Address by the Governor to the County Assembly in accordance with section 31 of the County Governments Act.

PART XIII—MISCELLANEOUS PROVISIONS

64. Offences

- (1) Any person, not being a member, or who has ceased to be a member, who is found in possession of any article whatsoever which has been supplied to a member, or is intended for supply to a member for use in the execution of his or her duty, and who fails to account satisfactorily for the possession thereof, shall be guilty of an offence termed unlawful possession of articles supplied to members and liable to a fine of fifty thousand shillings or to a term of imprisonment not exceeding six months or both.
- (2) Any person who, without lawful authority—

FIRST SCHEDULE

PROVISIONS RELATING TO THE CONDUCT OF BUSINESS AND AFFAIRS OF THE BOARD

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|-----------------------------------|---|
| Meetings. | <ol style="list-style-type: none">1. (1) The Board shall meet at least four times in every financial year and not more than four months shall elapse between the date of one meeting and the date of the next meeting. (2) Notwithstanding the provisions of sub-section (1), the chairperson may, and upon requisition in writing by at least five members shall, convene a special meeting of the Board at any time for the transaction of the business of the Board. |
| Notice of meeting. | <ol style="list-style-type: none">2. Other than in the case of a special meeting or unless three quarters of members agree, every member of the Board shall be given at least seven days written notice of every meeting of the Board. |
| Quorum. | <ol style="list-style-type: none">3. The quorum for the conduct of business of the Board shall be half of the members, and unless a unanimous decision is reached, decisions shall be by a majority vote of the members present, and in the case of an equality of votes, the chairperson or the person presiding shall have a casting vote. |
| Chairperson to preside. | <ol style="list-style-type: none">4. The chairperson shall preside over all meetings of the Board in which he or she is present, but in his or her absence, the vice-chairperson shall preside and in the absence of the vice-chairperson, the members present shall elect one of their members who shall, with respect to that meeting and the business transacted thereat, have all the powers of the chairperson |
| Disclosure of interest. | <ol style="list-style-type: none">5. (1) If a member is directly or indirectly interested in any matter before the Board, and is present at the meeting of the Board at which the matter is the subject of consideration, he or she shall, at the meeting and as soon as practicable after the commencement, disclose that fact and shall be excluded at the meeting at which the matter is being considered. (2) A disclosure of interest made under this section shall be recorded in the minutes of the meeting at which it is made. |
| Board may regulate own procedure. | <ol style="list-style-type: none">6. Subject to the provisions of this Schedule, the Board may regulate its own procedure. |

MEMORANDUM OF OBJECTS AND REASONS

The County Government of Vihiga seeks to regulate the various affirmative action plans for the youth matters within the purview of its powers and functions.

The principal objective of this Bill is to address the fundamental challenge of youth unemployment, youth poverty and hopelessness and to give effect to Articles 55 of the Constitution which requires the Government to take measures to ensure that the youth access employment and other affirmative action measures. Additionally, the Constitution requires the County Government to take legislative, administrative and affirmative measures to ensure that youth are afforded adequate opportunities in the County.

The Bill thus seeks to establish a legal framework to facilitate this process which will give access to the youth for training and employment opportunities. It provides for the establishment of a Board whose core mandate is to implement the affirmative action plans to be implemented by the County, maintain a record of the youths trained, and facilitate their employment.

The structure of the Bill is as follows:

Part I of the Bill provides for preliminary provisions including citation and interpretation of terms used in the Bill. The Part outlines the object and purpose of the Bill.

Part II provides for the establishment of the Service which includes the Board, the Committees, the Unit, the School and any such entity as prescribed by the Act,

Part III provides for functions and powers of the Board. It vests the administration of the Service on the Board constituted in accordance with this Part. The Part further provides for access to services of the Board in all parts of Vihiga County to ensure that all youth including those residing in marginalized areas are served.

Part IV provides for establishment of the Vihiga Youth Training School, which shall be the training area of the recruits.

Part V provides for the Service Inspectorate Unit that is charged with training of the recruits and appointment and termination of officers of the Unit.

Part VI provides for County Youth Technical Committee which is responsible for co-ordination of the Sub-County and Ward Youth Technical Committees on behalf of the Board.

Part VII- provides for the Sub-County and Ward Youth Technical Committees that are charged with discharging of the objectives of the Board in the respective sub-counties and wards.

Part VIII- provides for admission to the school and registration of youth organizations. It further provides for prohibition of use of data received during registration, otherwise as provided in the Act.

Part IX – provides for matters relating to recruitment, training and counseling that will be performed by the Board and implementation mechanisms.

Part X-provides for the disciplinary measures that will be in place to aid in the instilling of discipline and responsibility on members as well as setting up deterrent measures to ensure the youth behave in a disciplined manner while being trained.

Part XI-provides for affirmative action programmes in order to facilitate the absorption of the youth in the job market within the County.

Part XII contains financial provisions.

Part XIII contains miscellaneous provisions such as the power of the executive member to make Regulations under the Act.

The enactment of this Bill shall occasion additional expenditure of public funds to be provided for in the estimates.

The Bill also provides for a Schedule in furtherance of the Bill.

Dated the day of 2021

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HON. FELISTUS PAULINE OKUMU BARAZA
Vihiga County Executive Committee Member
Gender, Culture, Youth, Sports Children and Social services
