

**THE KILIFI COUNTY STATUTE LAW (MISCELLANEOUS AMENDMENTS) BILL,
2020**

A Bill for

AN ACT of the Kilifi County Assembly to make minor amendments to statute law

ENACTED by the County Assembly of Kilifi, as follows—

Short title

1. This Act may be cited as the Kilifi County Statute Law (Miscellaneous Amendments) Act, 2020.

Amendment of written laws

2. The several written laws specified in the first column of the Schedule are amended, in the provisions specified in the second column thereof, in the manner respectively specified in the third column.

SCHEDULE

Written Law

Provision

Amendment

**Kilifi County Coconut
Act, 2015
(No.7 of 2015)**

**Insert the
following new paragraphs
immediately after
paragraph (3)—**

purposes of this section
prescribe a maximum fine,
which shall be three (3%) of
the penalty prescribed for
such offence by this Act.”

s.14

“(3a) There shall be a
schedule of administrative
fines which shall for the

**New
Insert the following new
Schedule immediately
after Section 36**

FIRST SCHEDULE

Section of the Act	Nature of Offence	Penalty (Kshs)
Section 14	Transporting or having in possession coconut products without a license	6,000

**Kilifi County Liquor
Control Act, 2015
(No. 2 of 2015)**

s.64

**Insert the following new
subsection
immediately after section
64 (1)—**

“(2) There shall be a schedule of administrative fines which shall for the purposes of this section prescribe a maximum fine, which shall be three (3%) of the penalty prescribed for such offence by this Act.”

Insert the following new schedule immediately after the first schedule

New

**Renumber section 64 as
64(1)
SECOND SCHEDULE
(s.64(2))**

Section of the Act	Nature of Offence	Penalty (Kshs)
Section 31	Conformity with Requirements	4,500
Section 32	Supply to young persons	4,500
Section 33	Display of signs	1,500
Section 34	Selling of Liquor by automatic vending machines	3,000
Section 35	Selling in sachets	1,500-4500
Section 37	Drunk and Disorderly Conduct	1,500
Section 38	Breach of License	1,500 (first time offense)

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		3,000 (second or subsequent offense)
Section 39	Sale of liquor knowingly to an authorized officer	1,500
Section 42	Sale of Adulterated Drinks	300,000
Section 47	Prohibited advertisement and promotion	15,000
Section 48	Promotion at underage events	15,000

**Kilifi County Transport
(Regulation and Control)
Act, 2015
(No. 9 of 2016)**

**Renumber section 144 as
144(1).**

New

**Insert the following new
subsection
immediately after section
144 (1)—**

“(2) There shall be a schedule of administrative fines which shall for the purposes of this sub-section prescribe a maximum fine, which shall be three (3%) of the penalty prescribed for such offence by this Act.”

**Insert the following new
schedule immediately after
section 146**

s.144

**FIRST SCHEDULE
(s.144 (2))**

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Section of the Act	Nature of Offence	Penalty (Kshs)
Section 11	Preventing engagement of a public transport vehicle	900
Section 14	Offences with respect to Motorcycles	300
Section 15	Queues at Public transport facilities	150
Section 16	Refusing to pay the determined fare	150
Section 17	Rights and duties of Passengers when a public transport vehicle becomes defective	600 (a driver who refuses to refund a passenger) 3000 (an operator whose driver is found guilty)
Section 18	Actions prohibited on a public transport vehicle	600
Section 20	Obstruction and Disruption of traffic	1500
Section 21	Duties of Pedestrian	60
Section 24	Penalty for Breaching provisions on hooting (section 22) and Prohibition on use of communication device while driving (section 23)	600
Section 26	Damage to street lights	15,000
Section 141	Trespass on a railway	1,500
Section 142	Use of a vehicle on a light railway	15,000
Section 143	Obstructing authorized officers	3,000
Section 144	General penalties - Offences where penalty not provided	1,500

Kilifi County Water and Sanitation Services Act, 2015
(No. 6 of 2015)

s.60

New

Insert the following new sub-section immediately after section 60 (2)—

“(3) There shall be a schedule of maximum administrative fines which shall for the purposes of this

sub-section prescribe a fine, which shall be three (3%) of the penalty prescribed for such offence by this Act.”

Insert the following new schedule immediately after the first schedule

**SECOND SCHEDULE
(s.60(3))**

Section of the Act	Nature of Offence	Penalty (Kshs.)
Section 29	Prohibited activities (interfering with meters or equipment installed by the Corporation, install illegal or authorized water connections, install a pipe or connection which does not comply within 60 days)	3,000
Section 30	Prohibition for carrying waterworks without permit	3,000
Section 44	Development and Implementation of Storm water management plan by town administrators, developers or persons constructing a road	15,000 (for corporate bodies) 1,500 (for individual)
Section 45	Reduction of runoff water by owners of houses, property or buildings	600
Section 46	Interference with a restored riparian buffer	15,000 (for corporate bodies) 1,500 (for individual)
Section 51	Prohibition from discharge of contaminated water or effluent contravening prescribed guidelines	15,000 (for corporate bodies) 1,500 (for individual)
Section 52	Interference with sewerage facility or system	15,000
Section 60	Obstructing an authorized Officer while enforcing or implementing the Act	3,000

**Kilifi County Valuation
for Rating Act, 2016
(No. 8 of 2016)**

s.5

Insert the following new subsection immediately after section 5 (3)—

“(3a) There shall be a schedule of administrative fines which shall for the purposes of this sub-section prescribe a maximum fine, which shall be three (3%) of the penalty prescribed for such offence by this Act.”

New

Insert the following new section 30
schedule immediately after

FIRST SCHEDULE

(s.5(3a))

Section of the Act	Nature of Offence	Penalty (Kshs.)
Section 5	Offence to neglect to furnish particulars within 14 days by rateable owner or occupier after being called upon to do so	3,000

**Kilifi County Public
Entertainment and
Amenities Act, 2016
(No. 21 of 2016)**

“(2) There shall be a schedule of administrative fines which shall for the purposes of this sub-section, prescribe a maximum fine which shall be three (3%) of the penalty prescribed for such offence by this Act.”

**Renumber section 46 as
section 46(1).**

**New
Insert the following new
schedule immediately after
section 46**

s.46

**Insert the following new
subsection
immediately after section 46
(1)—**

FIRST SCHEDULE

(s46(2))

Section of the Act	Nature of Offence	Penalty (Kshs.)
Section 8	Obstructing an authorized officer from entry at a premise where public entertainment is taking place to ensure compliance with the Act.	3,000
Section 10	Holding Public entertainment contrary to an order or condition imposed by the County Executive Committee Member	1,500
Section 13	Cruelty to animals taking part in a public entertainment	1,500

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Section 20	Altering, defacing or tampering with information on the notice board at the entrance or in the immediate vicinity of a public amenity	1,500
Section 22	Bringing animals into a public amenity where animals are prohibited	1,500
Section 23	Prohibited actions or activities	1,500
Section 33	When a holder of a license fails to comply with conditions of a license or causes another person to contravene or fail to comply with any condition	1,500
Section 36	When a holder of a permit regarding flora and fauna contravenes a condition imposed by that permit	1,500
Section 45	Obstructing an authorized officer from entering to ensure compliance	1,500
Section 46	General penalty - Offences where penalty not provided	3,000

**Kilifi County Revenue
Administration Act, 2016
(No. 18 of 2018)**

**Renumber section 15 as
15(1).**

**Insert the following new
subsection immediately
after section 15 (1)—**

s.15

“(2) There shall be a schedule of administrative fines which shall for the purposes of this sub-section, prescribe a maximum fine which shall be three (3%) of the penalty

prescribed for such offence by this Act.”

**Insert the following new
schedule immediately
after section 19**

FIRST SCHEDULE

(s.15(2))

Section of the Act	Nature of Offence	Penalty (Kshs.)
Section 15	General Penalty – Failing to comply with provisions of the Act	300

**Kilifi County Anti-Pornography Act, 2016
(No. 19 of 2016)**

Insert the following new subsection immediately after section 8 (1)—

“(2) There shall be a schedule of maximum administrative fines which shall for the purposes of this sub-section, prescribe a fine which shall be three (3%) of the penalty prescribed for such offence by this Act.”

Insert the following new schedule immediately after section 9

**New
Renumber section 8 as
8(1).**

s.8

FIRST SCHEDULE

(s.8(2))

Section of the Act	Nature of Offence	Penalty (Kshs.)
Section 4	Offering or attempting to commit an act that is prohibited	15,000
Section 8	General penalty - Offences where penalty not provided	15,000

**Kilifi County Revenue Maternal, Newborn and Child Health Act, 2016
(No. 23 of 2016)**

New

Insert the following new subsection immediately after section 32 (1)—

sub-section, prescribe a fine which shall be three (3%) of the penalty prescribed for such offence by this Act.”

Renumber section 32 as 32(1).

“(2) There shall be a schedule of maximum administrative fines which shall for the purposes of this

Insert the following new schedule immediately after section 33

FIRST SCHEDULE

(s.32(2))

Section of the Act	Nature of Offence	Penalty (Kshs.)
Section 7	Termination of Pregnancy not in accordance with the Act	7,500
Section 9	Duty to forward information by a Healthcare provider to relevant authority three months after termination of pregnancy	9,000
Section 32	General penalty - Offences where penalty not provided	3,000

Kilifi County Microfinance Fund (Mbegu Fund) Act, 2016 (No.12 of 2016)

New

s.24

Insert the following new subsection immediately after section 24 (2)—

“(3) There shall be a schedule of administrative fines which shall for the purposes of this sub-section, prescribe a maximum fine which shall be three (3%) of the penalty prescribed for such offence by this Act.”

Insert the following new schedule immediately after section 25

FIRST SCHEDULE

Kilifi County Statute Law (Miscellaneous Amendments) Bill, 2020

(s.24(3))

Section of the Act	Nature of Offence	Penalty (Kshs.)
Section 24	Furnishing of false information or information aimed at misleading the Board	7,500

Kilifi County Disaster Management Act, 2016 (No.15 of 2016)

s.24

Renumber section 24 as 24(1)

Insert the following new subsection immediately after section 24 (1)—

“(2) There shall be a schedule of administrative fines which shall for the purposes of this sub-section, prescribe a maximum fine which shall be three (3%) of the penalty prescribed for such offence by this Act.”

Insert the following new schedule immediately after section 30

New

FIRST SCHEDULE

(s.24(2))

Section of the Act	Nature of Offence	Penalty (Kshs.)
Section 20	Failing to comply with provisions of the Act or Obstruction of the Disaster Management Unit or any other person from performance of an action authorized by the Act	15,000 (for individuals) 150,000 (for corporations)
Section 21	Making false claims to obtain relief items, materials or financial assistance	3,000
Section 22	Misappropriation of money or materials by custodian	15,000
Section 23	Spreading or circulating False alarm on a disaster, its severity or magnitude leading to panic in part or whole county	3,000
Section 24	General penalty - Offences where penalty not provided	3,000

**Kilifi County Agricultural
Development Act, 2016
(No. 14 of 2016)**

s.28

**Insert the following new
subsection immediately
after section 28 (3)—**

*“(4) There shall be a
schedule of administrative
fines which shall for the
purposes of this sub-section,
prescribe a maximum fine
which shall be three (3%) of
the penalty prescribed for
such offence by this Act.”*

**Insert the following new
schedule immediately after
the first schedule**

SECOND SCHEDULE

(s.28(4))

Section of the Act	Nature of Offence	Penalty (Kshs.)
Section 28	Giving false information, using proceeds of a loan for other purpose other than what was applied for, destroys or misappropriates security given in relation to the guaranteed loan	90,000

**Kilifi County Cultural
Heritage Act, 2016
No. 20 of 2016**

s.28

**Renumber section 28 as
28(1)**

**Insert the following new
subsection immediately
after section 28 (1)—**

*“(2) There shall be a
schedule of administrative
fines which shall for the
purposes of this sub-section,
prescribe a maximum fine
which shall be three (3%) of
the penalty prescribed for
such offence by this Act.”*

**Insert the following new
schedule immediately after
section 28**

FIRST SCHEDULE

(s.28(2))

Section of the Act	Nature of Offence	Penalty (Kshs.)
Section 22	Selling, destroying, stealing, forging or defrauding, removing or attempting to remove, being wrongfully in possession of a cultural article	6,000
Section 28	General penalty - Offences where penalty not provided	1,500

Kilifi County Vocational Training and Education Act, 2017

“(2) There shall be a schedule of maximum administrative fines which shall for the purposes of this sub-section, prescribe a fine which shall be three (3%) of the penalty prescribed for such offence by this Act.”

s.26

Renumber section 26 as 26(1).

New

Insert the following new subsection immediately after section 26 (1)—

Insert the following new schedule immediately after section 26

FIRST SCHEDULE

(section 26 (2))

Section of the Act	Nature of Offence	Penalty (Kshs.)
Section 26	General penalty - Offences where penalty not provided	15,000

Kilifi County Ward Scholarship Fund Act, 2018 (No. 3 of 2018)

s.34

Insert the following new subsection immediately after section 34 (1)—

“(2) There shall be a schedule of administrative fines which shall for the purposes of this sub-section, prescribe a

maximum fine which shall be three (3%) of the penalty prescribed for such offence by this Act.”

Insert the following new schedule immediately after the third schedule

FOURTH SCHEDULE

(s.34(2))

Section of the Act	Nature of Offence	Penalty (Kshs.)
Section 34	Submitting false information to the Board or Ward Scholarship Committee, misappropriation of funds or assets from the fund	30,000

No. 7 of 2019

s.36

New

Insert the following new subsection immediately after section 36 (3) —

“(4) *There shall be a schedule of administrative fines which shall for the purposes of this sub-section, prescribe a maximum fine which shall be three (3%) of the penalty prescribed for such offence by this Act.*”

Insert the following new schedule immediately after the first schedule

Kilifi County Solid Waste Management Act, 2019

SECOND SCHEDULE

(s.36(4))

Kilifi County Statute Law (Miscellaneous Amendments) Bill, 2020

Section of the Act	Nature of Offence	Penalty (Kshs.)
Section 25	Failure to separate waste by waste generators	9,000
Section 36	General penalty - Offences where penalty not provided Dumping or allowing waste disposal in premises, land where such disposal is not approved	6,000

**Kilifi County Forest
Conservation and
Management Act, 2019**

Insert the following new subsection immediately after section 71 (3)—

“(4) There shall be a schedule of administrative fines which shall for the purposes of this sub-section, prescribe a maximum fine which shall be three (3%) of the penalty prescribed for such offence by this Act.”

Insert the following new schedule immediately after the second schedule

THIRD SCHEDULE

(s.71(4))

Section of the Act	Nature of Offence	Penalty (Kshs.)
Section 71	General penalty - Offences where penalty not provided	1,500
Section 75	Cutting forest produce, clearing land for cultivation, setting fire, chainsawing, erect buildings, damaging forest	1,500
Section 76	Grazing livestock on forest land without a license	1,500
Section 77	Setting fires to a forest on community land or private land	3,000
Section 78	Producing woodfuel, sale, removing woodfuel from a county or community forest without a license	3,000
Section 79	Unlawful affixing or defacing of marks	6,000
Section 80	Unlawful operation of wood processing plants or forest-based enterprises.	30,000
Section 81	Counterfeiting	30,000
Section 82	Misuse of forests	150,000
Section 83	Other offences and penalties	3,000

MEMORANDUM OF OBJECTS AND REASONS

The Bill is in keeping with the practice of tabling one Bill consisting of various amendments to various Acts which do not warrant individual Bills.

The principal purpose of the Bill is to create Administrative Fines that will facilitate compliance with statutory obligations through a system of deterrence in terms of which non-complying institutions or individuals having been fined will be used as examples for others. Its value therefore lies in its deterrent, educative and punitive effect since it provides a strong incentive to ensure compliance with the law. Additionally, the fines will provide a form of revenue for the county.

The Statutes to be amended are —

1. **Kilifi County Water and Sanitation Services Act, 2015** – An Act that provides for the provision of water and sanitation services to rural and urban areas, the development, regulation and management of county public works related to water and sanitation, storm water and waste water management systems, water and soil conservation.
2. **Kilifi County Coconut Act, 2015** - An Act that provides for the promotion and regulation of the production, processing, marketing and research of coconut and the development of the coconut industry in Kilifi.
3. **Kilifi County Microfinance (Mbegu Fund) Act, 2015** – An Act that provides for establishment and administration of the Kilifi County Microfinance Fund for provision of seed capital for micro and small enterprises within Kilifi, for their business development and linkages to the market.
4. **Kilifi County Transport (Regulation and Control) Act, 2015** - An Act to provide for matters relating to traffic, parking, county roads, street lighting, public road transport, ferries and harbors, to establish the county department of transport
5. **Kilifi County Liquor Control Act, 2015** - An Act to provide for the control and regulation of the production, sale, distribution, consumption and outdoor advertising, of liquor.
6. **Kilifi County Valuation for Rating Act, 2016** - An Act to empower the County Government to value land for the purpose of collection of rates.
7. **Kilifi County Tourism Act, 2016** – An Act that provides for the development, management, marketing and regulation of sustainable tourism and tourism-related activities and services.
8. **Kilifi County Public Entertainment and Amenities Act, 2016** - An Act to regulate public entertainment and the use of public amenities
9. **Kilifi County Revenue Administration Act, 2016** - An Act to provide for the general administration of certain taxation laws and other revenue raising laws

- 10. Kilifi County Anti-Pornography Act, 2016** - An Act to prohibit and penalize the production, printing, publication, sale, distribution and exhibition of obscene and pornographic materials
- 11. Kilifi County Maternal, Newborn and Child Health Act, 2016** - An Act to provide for regulation of maternal, newborn and child health within Kilifi County; to make provision for reproductive health
- 12. Kilifi County Microfinance Fund (Mbegu Fund) Act, 2016** - An Act to provide for the establishment and administration of the Kilifi County Microfinance Fund
- 13. Kilifi County Disaster Management Act, 2016** - An Act to provide for the management of disasters and emergencies in Kilifi County by effective planning and risk reduction, response and recovery procedures and promotion of coordination amongst the response agencies
- 14. Kilifi County Agricultural Development Act, 2016** - An Act to provide for the growth and development of the agricultural sector, enhance production, improve quality value addition, and marketing; to establish the County Agricultural Development Fund to finance the agricultural sector.
- 15. Kilifi County Cultural Heritage Act, 2016** - An Act to promote and protect culture and cultural heritage in the county.
- 16. Kilifi County Vocational Training and Education Act, 2017** - An Act to provide for the establishment, governance and regulation of vocational training centers, to provide for their registration and management
- 17. Kilifi County Ward Scholarship Fund Act, 2018** - An Act to make provisions for establishment of the Kilifi County Ward Scholarship Fund, to enhance access to education for bright but needy students through the issuance of grants
- 18. Kilifi County Solid Waste Management Act, 2019** - An Act to make provision for the management of solid waste in the county
- 19. Kilifi County Forest Conservation and Management Act, 2019** - An Act to provide for the sustainable, utilization, management and conservation of the forests and forest resources for the socio-economic prosperity of the County.

Dated the day of 2020

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Chairperson Committee

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