

SPECIAL ISSUE

Kenya Gazette Supplement No. 14 (Wajir County Acts No. 3)



REPUBLIC OF KENYA

KENYA GAZETTE SUPPLEMENT

WAJIR COUNTY ACTS, 2021

NAIROBI, 12th October, 2021

CONTENT

Act—	PAGE
The Wajir County Persons with Disabilities Act, 2021.....	1

**THE WAJIR COUNTY PERSONS WITH DISABILITIES ACT,
2021**

No. 3 of 2021

Date of Assent: 30th September, 2021

Date of commencement: 12th October, 2021

ARRANGEMENT OF SECTIONS

Section

PART I—PRELIMINARY

- 1—Short title.
- 2—Interpretation.
- 3—Guiding principles.
- 4—Object.

**PART II—GENERAL OBLIGATIONS OF THE COUNTY
GOVERNMENT**

- 5—Representation of persons with disabilities in County Public Service.
- 6—Representation of persons with disabilities in appointive positions.
- 7—Promotion of access to education.
- 8—Access to Physical Environment.
- 9—Waiver of fees and charges.
- 10—Responsibilities of the Department of Social Services.
- 11—Establishment of the Fund.
- 12—General Penalty.
- 13—Provisions on Delegated Legislation.

**THE WAJIR COUNTY PERSONS WITH DISABILITIES ACT,
2021**

AN ACT of the County Assembly of Wajir to facilitate the achievement of equalization of opportunities for persons with disabilities in Wajir County; to promote access to services to persons with disability in Wajir County; for the establishment of the Wajir County Disability Fund and for connected purposes

PART I—PRELIMINARY

ENACTED by the County Assembly of Wajir, as follows—

Short title

1. This Act may be cited as the Wajir County Persons with Disabilities Act, 2021.

Interpretation

2. In this Act—

“Board” means the Wajir County Public Service Board;

No. 14 of 2003

“Council” means the National Council for persons with disabilities established pursuant to section 3 of the Persons with Disabilities Act;

“County Executive Committee Member” means the County Executive Committee Member responsible for matters related to persons with disabilities;

“Disability” has the same meaning assigned to it under the Persons with Disabilities Act; and

“county public service” means the collectively of all individuals, other than State officers, performing a function within a Department, office or agency of the County Government of Wajir.

Guiding principles

3. The following principles shall guide any person whenever—

- (a) applying or interpreting the provisions of this Act; or
- (b) making policy decisions affecting persons with disabilities in Wajir County—
 - (i) non-discrimination of persons with disabilities full and effective participation and inclusion of persons with disabilities in society;
 - (ii) acceptance of persons with disabilities as part of human diversity and humanity;

- (iii) equality of opportunity for persons with disabilities;
- (iv) accessibility of services for persons with disabilities;
- (v) care and support for persons with disabilities; and
- (vi) compliance with national policies and legislation on matters related to persons with disability.

Object

4. The object of this Act is to—
- (a) facilitate the improvement of the living conditions for persons with disabilities in Wajir County, through socio-economic empowerment;
 - (b) promote equal and equitable access to socio-economic, political opportunities and services by persons with disabilities in the County;
 - (c) enhance awareness on the rights of persons with disabilities in the County; and
 - (d) establish mechanisms to address cultural and societal stigma towards persons with disabilities.

PART II—GENERAL OBLIGATIONS OF THE COUNTY GOVERNMENT

Representation of Persons with Disabilities in the County Public Service

No. 17 of 2012

No. 1A of 2015

5. (1) Pursuant to section 59(1)(e) of the County Governments Act and section 10 (2) (d) of the Public Service (Values and Principles) Act, the Board make all reasonable effort to ensure that persons with disabilities are adequately represented in the county public service.

- (2) Notwithstanding the generality of section 5(1) the Board shall —
- (a) ensure that at least five percent of vacant positions in the county public service are reserved for persons with disabilities;
 - (b) afford equitable opportunity to persons with disabilities in appointments and promotions within the county public service without undue reliance to fair competition;
 - (c) where practical to do so, specifically invite applications from persons with disabilities for consideration for positions in the public service;

- (d) publicise vacant positions in such a format which is accessible to persons with different disabilities;
- (e) afford equitable opportunities to persons with disabilities to acquire the skills and experience necessary to advance in their careers; and
- (f) put in place such measures as are necessary for retention of persons with disabilities in the public service or employees who acquire a disability in the course of their employment.

Representation of persons with disabilities in appointive positions

6. Pursuant to Article 54(2) of the Constitution, the County Government shall promote representation of persons with disabilities at all levels in appointive positions, including by, ensuring that at least five percent of holders of appointive positions are persons with disabilities.

Promotion of Access to Education

7. (1) The County Government shall take all reasonable measures to promote access to quality education to persons with disability in Wajir County.

- (2) The measures contemplated under (1) may include—
 - (a) facilitating the full and equal participation of persons with disabilities in vocational training;
 - (b) in consultation with Board, recruiting trainers for learners with disabilities;
 - (c) equipping vocational training centres with suitable educational material and tool kits that are necessary to provide learners with disabilities with an environment which maximizes their academic and social development;
 - (d) putting in place mechanisms of delivering vocational training in the most appropriate languages, modes and means for learners with disability; and
 - (e) waiver or varying of tuition fees for learners with disabilities.

Access to Physical Environment

8. (1) The County Government shall take appropriate measures to ensure to persons with disabilities access, on an equal basis with others, the physical environment, transportation and other facilities and services open or provided to the public, both in urban and in rural areas.

(2) These measures, shall include the identification and elimination of obstacles and barriers to accessibility to—

- (a) public buildings and infrastructure; and
- (b) transportation, within Wajir County.

Waiver of Fees and Charges

No. 2 of 2012

9. (1) The County Executive Member responsible for Trade development may, on receipt of an application by a person with disability, waive or vary any fees or tax levied by the County Government pursuant to Article 209(3) of the Constitution.

(2) The fees or charges referred to in subsection (1) may include such tax payable as —

- (a) property rates;
- (b) entertainment tax; or
- (c) fees payable—
 - (i) for issuance or renewal of a business permit;
 - (ii) as cess;
 - (iii) or any other fees imposed by the County Government through County legislation.

(3) The procedure for application and the criteria for consideration of an application under this section shall be prescribed by way of regulations and in accordance with the Public Finance Management Act.

Responsibilities of the County Department responsible for Social Services

10. (1) The County Department responsible for social services shall—

- (a) monitor the implementation of national policies, minimum standards and guidelines for the protection and promotion of the welfare of persons with disabilities;
- (b) facilitate the registration of persons with disabilities with the Council;
- (c) in consultation with the Council, maintain an up to date database of persons with disabilities in the County;
- (d) advise the county government on budgetary allocations required to undertake programmes specifically targeting persons with disabilities;
- (e) undertaking public education on matters related to persons with disabilities; and

(f) strengthen collaboration and coordination with state and non-state actors on matters relating to persons with disabilities.

(2) The County Department responsible for social services, shall ensure that there is set aside at least 2% of the development budget appropriated by the County Assembly.

Establishment of the Fund

11. (1) There is established the Wajir County Disability Fund.

(2) The County Executive Committee Member for Finance shall prescribe Regulations for the administration of the Fund

PART III—MISCELLANEOUS PROVISIONS

General Penalty

12. (1) A person who contravenes the provisions of this Act, is liable, on conviction to a fine not exceeding one hundred thousand shillings or to imprisonment for a term not exceeding one year or both.

(2.) A person who contravenes the provisions of the Public Finance Management Act and any other related laws commits an offence.

Provisions on Delegated Legislation

13. The County Executive Committee Member may prescribe regulations for the better carrying into effect of the provisions of this Act.