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MANDERA COUNTY BILLS, 2025

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THE MANDERA COUNTY SOCIAL PROTECTION BILL, 2025

A Bill for

AN ACT of the County Assembly of Mandera to establish a framework for co-ordination of social protection programmes implemented in the county; to establish an integrated register for social protection related matters; to facilitate further realisation of economic and social rights for vulnerable persons in the county; and for connected purposes

ENACTED by the County Assembly of Mandera, as follows—

PART I— PRELIMINARY

Short title

1. This Act may be cited as the Mandera County Social Protection Act, 2025.

Interpretation

2. In this Act—

Cap. 388

“Authority” means the National Drought Management Authority established under section 3 National Drought Management Authority Act;

“Committee” means the Mandera County Social Protection Committee established under section 5;

“County” means Mandera county;

Cap. 133

“County Executive Committee Member” means the County Executive Committee Member responsible for matters related to social services;

“County Public Service Board” means the County Public Service Board of Mandera, established pursuant to section 57 of the County Governments Act;

“department” means the county department responsible for matters relating to social protection;

“disability” includes any physical, sensory, mental, psychological or other impairment, condition or illness that has, or is perceived by significant sectors of the community to have, a substantial or long-term effect on an individual’s ability to carry out ordinary day-to-day activities;

Cap. 265

“educational institutions and facilities” means pre-primary education institutions, village polytechnics, homecraft centers and childcare facilities;

“elderly person” means a person who is 65 years and above;

“Secretary” means the secretary appointed pursuant to section 5(h);

“register” means the social protection register established under section 21;

“social assistance” means the protective function covering contributory and non-contributory transfer programs aimed at preventing vulnerable persons from falling deeper into poverty;

“social protection” means measures aimed at promoting the realisation of the economic and social rights of vulnerable persons including cushioning vulnerable persons against vulnerability, poverty, exclusion, risks, contingencies and shocks throughout their life cycle;

“vulnerability” means the likelihood of suffering from deterioration in the standard of living, poverty or inability to meet basic needs arising from physical, social, economic or environmental factors; and

“vulnerable person” means a resident of Mandera County who is —

- (a) susceptible to risks arising from physical, social, economic or environmental factors;
- (b) in need of special care, support or social protection; or
- (c) any other person categorized as vulnerable by the County Executive Committee Member, by way of Regulations.

Object of the Act

3. The object of this Act is to—

- (a) establish a framework for co-ordination of social protection programmes, implemented in the county;
- (b) provide for the establishment of a register on social protection matters;
- (c) promote further realisation of economic and social rights for vulnerable persons in the county; and
- (d) facilitate alleviation of vulnerability among the residents of the county.

Guiding principles

4. The implementation of this Act shall be guided by—

- (a) the values and principles under Article 10 of the Constitution;

- (b) accessibility, timeliness, predictability, affordability and sustainability of social protection interventions;
- (c) adoption of evidence-based social protection;
- (d) promotion of a life-cycle approach to social protection; and
- (e) sustainability of social protection interventions to reduce dependency on financial assistance.

PART II— ADMINISTRATIVE MECHANISM

County Social Protection Committee

5. (1) There is established a committee to be known as the Mandera County Social Protection Committee which shall comprise of —

- (a) The County Chief Officer responsible for matters pertaining to social protection who shall be the Chairperson;
- (b) The County Chief Officer responsible for devolved units;
- (c) The County Chief Officer responsible for education;
- (d) The County Chief Officer responsible for matters Finance;
- (e) A County Chief Officer from the department of health services;
- (f) Two representatives of non-state actors undertaking social assistance programmes in the county; and
- (g) The director in the county department for social protection, who shall be the secretary.

Cap. 133

(2) The members of the Committee shall be appointed by the County Executive Committee Member.

Cap. 388

(3) The Committee may co-opt such number of persons as the Committee considers necessary, to provide technical expertise, information or advice, for such a period as the Committee may determine.

(4) The Committee shall set the procedure for the conduct of its meetings.

Qualifications for appointment

6. A person qualifies for appointment as a member of the Committee under paragraph 5(1)(g), where the person—

- (a) is a citizen of Kenya;

- (b) holds a degree in a relevant field from a university recognized in Kenya;
- (c) has participated in implementation of social protection programmes in the county, for at least five years; and
- (d) meets such other qualifications as may be set out under Chapter Six of the Constitution.

Functions of the County Social Protection Committee

7. The Committee shall—
- (a) keep a record of social protection related programmes implemented in the county;
 - (b) co-ordinate agencies implementing social protection related programmes in the county;
 - (c) advise relevant agencies on mainstreaming social protection in county policies, plans, programs and projects;
 - (d) mobilise resources for implementation of social protection programmes in the county;
 - (e) create awareness on matters related to social protection in the county, including the rights and needs of persons with disabilities;
 - (f) monitor and evaluate the implementation of social protection programmes in the county; and
 - (g) perform any other duty that may be necessary for the effective implementation of social protection programmes in the county.

Term of office

8. The members of the Committee appointed under section 5(1)(g) shall hold office for a period of three years but shall be eligible for re-appointment for one further term.

Sub-committees

9. The Committee may establish such number of sub-committees as may be necessary for the effective discharge of its functions.

Remuneration

10. The Chairperson and members of the Committee shall be paid such remuneration or allowances as the County Executive Committee Member may, on the advice of the Salaries and Remuneration Commission, determine.

Removal from office

11. A member of the Committee appointed under section 5(1)(g) and may be removed from office for—

- (a) violation of the Constitution;
- (b) conviction of an offence whose term of imprisonment exceeds six months, without the option of a fine;
- (c) failure to attend at least three consecutive meetings of the Committee without notice or justifiable cause; or
- (d) inability to perform functions of the office arising out of physical or mental infirmity.

Vacancy

12. The office of a member of the Committee appointed under section 5(1) shall fall vacant where the member —

- (a) dies;
- (b) resigns in writing;
- (c) ceases to hold the office upon which the appointment was based;
- (d) is removed from office under this Act; or
- (e) upon the expiry of their term of office.

PART III — SOCIAL PROTECTION

Forms of social assistance

13. (1) The county government may provide social assistance in the form of—

- (a) Cash transfers;
- (b) Provision of social housing units;
- (c) Temporary subsidies for essential products;
- (d) Payment of health care;
- (e) Emergency assistance; and
- (f) Any other prescribed form.

(2) Regulations shall guide further implementation of this section.

Eligibility for social assistance

14. A person shall be eligible for social assistance if the person is—

- (a) A Kenyan residing in the county;

- (b) Either an orphan, elderly, unemployed, widow or widower, or disabled;
- (c) Has no ascertainable means of livelihood or support; and
- (d) Registered in accordance with this Act;

Abuse of social assistance

15. The committee may, where it establishes that a beneficiary has abused his/her social assistance, suspend or cancel the assistance to the person.

Suspension of social assistance

16. (1) The committee may suspend or cancel social assistance if the social assistance was—

- (a) obtained through misrepresentation, deceit, fraud or failure to disclose any material information;
- (b) in excess of amounts permitted by this Act and Regulations made pursuant to this Act; and
- (c) approved and granted in error.

Lapse of social assistance

17. Social assistance lapses where—

- (a) The beneficiary dies; and
- (b) The beneficiary attains means of livelihood or support.

Partnerships

18. The county may enter into partnerships or collaboration with any entity for the purposes of carrying out the objectives of this Act.

Refund to county government

19. Where it is established that a person was granted social assistance on the basis of false information, fraud, misrepresentation or failure to disclose information, the person shall refund the amount received to the county government.

Review of social assistance

20. The committee shall review social assistance at any time where it has reason to believe that a change in the beneficiaries' circumstances may have occurred.

Establishment of the Social Protection registry

21. (1) The department shall establish and maintain a social assistance registry which shall form a database for use in all interventions relating to social protection in the county.

(2) The objectives of the Registry shall be to—

- (a) maintain an inventory for use in all social assistance interventions in the county;
- (b) provide a framework for secure and confidential sharing of information for all the relevant stakeholders;
- (c) facilitate coordination of social assistance interventions by the county;
- (d) provide oversight mechanisms of social assistance interventions;
- (e) enable verification of beneficiary details electronically against relevant registries;
- (f) support shock-responsive social protection interventions;
- (g) facilitate linkage and referral mechanisms for complementary interventions and services;
- (h) identify potential areas for social protection and facilitate evidence generation for policy-making processes and implementation; and
- (i) strengthen reporting, monitoring and evaluation of social assistance interventions and knowledge management.

Contents of the register

(1) The register shall include information on—

- (a) the identities of vulnerable persons in the county;
- (b) the nature of vulnerability;
- (c) social assistance required by the vulnerable persons;
- (d) any social assistance received by the vulnerable persons;
- (e) state and non-state actors implementing social protection related programmes in the county; and
- (f) any other relevant data relating to social protection.

(2) The department shall, in undertaking registration of vulnerable persons, involve the community in verification of the vulnerable persons eligible for registration.

(3) The registry shall be the central repository for all matters related to social protection in the county.

(4) The register shall be inter-operable with any other register established at the county or national level.

Cap. 411C

(5) The collection and processing of information received pursuant to this section shall be in accordance with the Data Protection Act, Cap. 411C.

Income security

22. (1) The county government shall put in place measures to promote the establishment of reliable and adequate income streams for vulnerable persons, to reduce poverty and create a decent standard of living.

(2) The measures contemplated under sub-section (1) may include—

- (a) contributory or non-contributory social assistance programmes to support vulnerable persons;
- (b) promotion of access to opportunities for employment for vulnerable persons;
- (c) promotion of alternative source of livelihood for vulnerable persons, including through skills development; and
- (d) supporting vulnerable persons to undertake income generating activities, including through provision of business start-up kits.

Social health protection

23. In pursuance of the right to health enshrined under Article 43(1)(a) of the Constitution, the county department responsible for social services shall, in consultation with the department for health—

- (a) put in place measures that promote primary healthcare;
- (b) facilitate access to quality and affordable health care services;
- (c) where applicable, waive or vary medical related fees for vulnerable persons; and
- (d) promote hygiene, including environmental hygiene.

Access to housing

24. (1) To facilitate the realisation the right to adequate and accessible housing and reasonable standards of sanitation as provided for under Article 43 (1)(b) of the Constitution, the county department for social services may provide housing to a vulnerable person who—

- (a) has no shelter or lives in a dwelling that is not fit for human habitation;
 - (b) has no source of income; and
 - (c) has demonstrable proprietary interest in private or communal land.
- (2) Regulations shall guide further implementation of this section.

PART IV— PROTECTION AND PROMOTION OF THE RIGHTS OF PERSONS WITH DISABILITIES

Inclusivity in education

25. (1) The county department for education shall, facilitate the full and equal participation of persons with disabilities in educational institutions and facilities.

- (2) The measures contemplated under sub-section (1) include—
- (a) equipping educational institutions and facilities 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;
 - (b) putting in place mechanisms of delivering education and training in the most appropriate languages and modes of communication for learners with disability;
 - (c) in consultation with Board, recruiting trainers who are qualified in sign language or braille, to train learners with disabilities; and
 - (d) where applicable, offering scholarships, bursaries or waiver of fees for learners with disabilities.

Representation of persons with disabilities in county public Service

26. (1) Pursuant to Article 54 (2) of the Constitution, the County Public Service Board shall ensure that persons with disabilities are adequately represented in the county public service.

- (2) Notwithstanding the generality of section 26(1) the Board shall—
- (a) ensure the progressive implementation of the principle that at least five percent of vacant positions in the county public service are filled by persons with disabilities;
 - (b) where practical, specifically invite applications from persons with disabilities for consideration for positions in the public service;

- (c) afford equitable opportunities to persons with disabilities to acquire the skills and experience necessary to advance in their careers;
- (d) afford equitable opportunity to persons with disabilities for promotions, without undue reliance to fair competition or merit; and
- (e) put in place such measures for retention of persons with disabilities in the public service or employees who acquire a disability in the course of their employment.

Accessibility and mobility

27. (1) The County Government shall take appropriate measures to ensure that County buildings, infrastructure and other social amenities are barrier free and disability friendly to enable persons with disabilities to have access.

(2) The County may provide assistive devices and other equipment to promote mobility of persons with disabilities.

PART V—FINANCIAL PROVISIONS**Social Assistance Financing**

28. Social assistance programs shall be financed from the following sources—

- (a) monies appropriated by the County Assembly at the beginning of each financial year;
- (b) grants by the national government or other donors;
- (c) monies from any other source provided or donated.

Bank Accounts

29. (1) The Executive Committee Member for Finance shall, facilitate the opening and maintenance of bank accounts by the department for purposes of operationalizing of monies designated for Social Protection as may be prescribed in accordance with the provisions of the Public Finance Management Act and any other relevant law.

Annual estimates of revenue and expenditure

30. (1) At least three months before the commencement of a financial year, the department shall cause to be prepared the estimates of revenue and expenditure of the department for that year.

(2) The annual estimates shall make provisions for all estimated expenditure of the department for the financial year.

(3) The annual estimates shall be submitted to the County Executive Member for approval before submission to the County Assembly.

Accounts and Audit

31. (1) The accounts of the department shall be audited and reported in accordance with the Constitution, the Public Audit Act and any other relevant legislations.

(2) The department shall cause to be kept proper books and records of account of the income, expenditure, assets and liabilities of the department.

(3) Within a period of three months after the end of each financial year, the accounting officer of the department must submit to the Auditor-General the accounts of the department in respect of that year together with;

- (a) a statement of the income and expenditure of the department during that year; and,
- (b) a statement of the assets and liabilities of the department on the last day of that financial year.

PART VI — MISCELLANEOUS PROVISIONS

Reporting

32. The County Executive Committee Member shall prepare and submit an annual report on the status of social protection in the county, to the County Assembly.

Regulations

33. (1) The County Executive Committee Member may prescribe regulations for the better carrying into effect of the provisions of this Act.

(2) The regulations may include—

- (a) categories of vulnerability;
- (b) identification and registration of vulnerable persons;
- (c) procedure for conduct of accessibility audits; and
- (d) any other matter.

MEMORANDUM OF OBJECTS AND REASONS

The principal object of this Bill is to establish a legal framework for promotion of the economic and social rights guaranteed under the Constitution. The Bill, seeks create a framework for coordination of agencies undertaking social protection programmes in the county to reduce `duplicity and promote prudent use of `the available resources. Additionally, the Bill proposes the establishment of a central repository for information related to social protection matters including beneficiaries and stakeholders implementing programmes in the county.

In particular—

PART I of the Bill provides for preliminary issues including the short title, the interpretation, the objects of the Act, the guiding principles and the application of the Act.

PART II of the Bill provides for the administrative mechanisms for the institutionalisation of the social protection interventions in the county. Specifically, this Part provides for the establishment, functions, composition, remuneration and vacancies of the county committee on social protection.

PART III of the Bill addresses the various social protection interventions that the county government will put in place to achieve the objects of the Act.

PART IV of the Bill addresses the interventions the county government will put in place to promote the rights of persons with disabilities.

PART V of the Bill provides for the miscellaneous provisions which include the reporting requirements and Regulation making power that is delegated to the County Executive Committee member responsible for social protection.

Constitutional Statements

Statement on the delegation of legislative powers and limitation of fundamental rights and freedoms.

The Bill delegates legislative powers to the County Executive Committee Member responsible for social services to make regulations to operationalize the provisions of the Bill upon enactment. The Bill does not contain any provisions limiting any fundamental rights or freedoms.

Statement that the Bill is a money Bill within the meaning of Article 114 of the Constitution.

This Bill is not a Money Bill in terms of Article 114 of the Constitution. The enactment of this Bill will occasion additional expenditure of public funds.

Dated the 7th July, 2025.

IBRAHIM ALIO MAALIM,
Chairperson, Social Development Committee.