

DRAFT THE KILIFI COUNTY INSPECTORATE SERVICE BILL, 2023

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The Kilifi County Inspectorate Service Act, 2023

A Bill for

AN ACT of the County Assembly of Kilifi to provide for the establishment of Kilifi County Directorate of Inspectorate Service and for connected purposes

ENACTED by the County Assembly of Kilifi, as follows—

PART 1—PRELIMINARY

Citation and Commencement **1.**This Act may be cited as the Kilifi County Inspectorate Service Act and shall come into force upon publication in the Kenya Gazette.

Interpretation **2.**In this Act unless the context otherwise requires; -

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

‘Arrest ‘means the act of apprehending and detaining a person suspected of committing an offence or by the action of legal authority

“Board” means the County Public Service Board of Kilifi County established under Section 57 of County Government Act, 2012.

“Certificate of Appointment” means Inspectorate officers identity cards under Section 7 containing Powers of Entry and Powers of Arrest under Sections 17 and 18 respectively.

“Commandant’ for the purpose of this Act shall also mean Director for the time being in charge the Inspectorate appointed under Section 9.

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

“County Executive Committee Member” means the County Executive Member responsible for matters pertaining to enforcement of county laws.

“County law” means any Act of the County Assembly of Kilifi or By law.

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

“Governor” means the Governor of the County Government of Kilifi.

“Inspectorate Service” means the Kilifi County Inspectorate Service under Section 4.

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“Office” means office of the Directorate of Inspectorate which includes the Commandant, Assistant Commandant and Superintendent of Inspectorate.

“Officer” means an officer appointed under Section 6.

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

“Post” means a place or office designated by the County Inspectorate Commandant for the purpose of Inspectorate administration at the ward level.

“Regulated activity” means any activity, trade or business whose undertaking requires, a county law by obtaining a license, permit, approval or payment of service fee, by or to relevant County organ.

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

“Standing Orders” means regulation policies established under Section 11 for the purpose of inspectorate administration

“Station” means a place or office designated by the Commandant as Sub-County Inspectorate headquarters for the purpose of Inspectorate administration.

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

“Disco” for the purpose of this Act means any public address system playing circular music at ceremonial functions, bars and night clubs at night time.

Objects of the Act

- 3.** The objects of this Act are to;-
- (a) provide the institutional framework for the enforcement of County Laws, administration; and
 - (b) Regulate the actions of the County Inspectorate officers.

PART II:-ESTABLISHMENT OF THE INSPECTORATE SERVICE

Establishment of the Inspectorate Service

- 4.** (1) There is hereby established a Service to be known as the Kilifi County Inspectorate Service including the following units:
- (a) General Duty
 - (b) Traffic
 - (c) Coast Guards; and
 - (d) County Forest Guards.
- (2) The Inspectorate shall be a Directorate within Public Service Management Department

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(3) The Inspectorate shall consist of a number of officers as shall be determined from time to time by the office of Inspectorate and the Department responsible for matters pertaining to enforcement of County Laws with approval of County Public Service Board.

Powers and Responsibilities of Inspectorate

5. (1) The Directorate of Inspectorate Service shall be responsible for;
- (a) Promoting and fostering strict adherence to law compliance and application of the rule of law.
 - (b) Provide security Service to County Government properties.
 - (c) Enforcement of compliance with the Kilifi County Laws and Regulations.
 - (d) Inspection for compliance with trade licenses and permits.
 - (e) Protection of public entertainment sites and public spaces
 - (f) Enforcement of compliance at barrier cess, check points, service fees and land rates collection.
 - (g) Regulation and control of traffic on county roads and other roads within the county jurisdiction to ensure smooth flow of traffic.
 - (h) Protection of county heritage sites.
 - (i) Protection of beach access points and fish landing areas.
 - (j) In conjunction with the national police service prevent occurrence of crime in the county
- (2) In addition to the matters at sub-section (1) above, the Inspectorate shall be responsible for compliance and enforcement of any other matter that may be required to do so by the County Laws or as directed by Standing Orders.

PART III:-APPOINTMENT, RANKING AND DISCIPLINE OF OFFICERS

Appointment of Inspectorate Officers

6. (1) The Directorate and Department shall, in consultation with the Board, competitively recruit and appoint Inspectorate officers into the Inspectorate.

(2) The recruitment and appointment of Inspectorate officers into the Service shall so far as is reasonably practicable-

- (a) Uphold the principle that not more than two-thirds of the appointment shall be of the same gender.
- (b) Reflect ethnic and geographical diversity of the people of the County; and
- (c) Ensure equity and equality of opportunity amongst all the wards in the county.

(3) Every officer of Inspectorate shall, on being enlisted, make and sign before the Commandant of Inspectorate and to the Board, in English or Kiswahili, the oath or affirmation set forth in the First Schedule to this Act.

Certificate of Appointment and Badges of Officers

7. (1) The Directorate shall ensure a certificate of appointment is issued to

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every person appointed as an Inspectorate officer.

(2) The certificate of appointment shall-

- (a) Be in form prescribed in the Regulation of this Act
- (b) Be signed by the Commandant of Inspectorate or Deputy Commandant of Inspectorate
- (c) Be proof of appointment under this Act; and
- (d) Form the basis of issuance of a badge and all other equipment to an officer.

(3) An officer shall at all times carry the certificate as a proof of appointment

Deployment, promotion and ranking of officers

8. (1) The Directorate in consultation with the Department shall be responsible for deployment, promotion and ranking of the Inspectorate officers and make submission to the Board.

(2) The Commandant in consultation with the Inspectorate and the Board shall develop various ranks of the Inspectorate officers and shall publish the ranks as stipulated in the second schedule of this Act as a scheme of service for the Inspectorate.

Commandant of Inspectorate

9. (1) There shall be a Commandant of Inspectorate who shall be competitively recruited by the County Public Service Board.

(2) The Commandant shall be responsible for:-

- (a) The day-to-day operations of the Inspectorate
- (b) The property and business of the Inspectorate; and
- (c) The administration, organization and control of the other officers and staff of the Inspectorate.

(3) The functions of the Commandant of Inspectorate shall be to:-

- (a) Foster cooperation and collaboration between the Inspectorate service and the National Police in the performance of the inspectorate functions and shall in so doing ensure obedience to any directions issued by the Inspector General of Police;
- (b) Ensure the implementation of policy and operational directions of the Inspectorate;
- (c) Prepare budgetary estimates and develop an Inspectorate plan before the end of each financial year, setting out the priorities and objectives of the Inspectorate and the justification thereof;
- (d) Determine the establishment and maintenance of Inspectorate posts and stations;
- (e) Determine the distribution and deployment of officers in the Inspectorate,
- (f) Recommend the establishment of, manage and maintain training institutions, centers and places for the training of officers joining the Inspectorate and other officers
- (g) Cooperate with other public or private bodies to provide reliable inspectorate statistics on crime rate, detection rate,

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public confidence in the Inspectorate Service, number of complaints against the Inspectorate; as well as personnel statistics;

(h) Perform any other lawful act on behalf of the Inspectorate;

Qualification of the Commandant

10. A person shall qualify to be a Commandant if that person:-

- (1) Is a citizen of Kenya
- (2) Holds any relevant degree from a university recognized in Kenya
- (3) Has relevant experience at management level
- (4) Has attained Para military training
- (5) Meets the Requirement of Chapter 6 of the Constitutions of Kenya.

County Inspectorate Service Standing Orders

11. (1) The Commandant shall issue administrative policies and regulations to be called County Inspectorate Service Standing Orders.

(2) The Standing Orders shall be for the general management, direction and information of the Inspectorate for the purposes of administration.

(3) The Inspectorate Standing Orders shall not be inconsistent with the Constitution of Kenya, Inspectorate Act or any other Law made thereafter.

Inspectorate Stations and Posts

12. (1) The Directorate in consultation with the Department shall establish Stations and Posts in Sub-Counties and Wards for better performance of its functions.

(2) The Directorate shall publish all Inspectorate Stations and Posts in the Inspectorate Standing Orders and indicate the name of every Inspectorate station and post in the County.

(3) Each Inspectorate station and post shall;-

- (a) Be the center for administrative and command functions of the Inspectorate in respect to the area of the jurisdiction; and
- (b) Provide room for operational creativity to the Inspectorate officers.

(4) The Commandant shall ensure the development of procedures which facilitate uniform record keeping at all Inspectorate stations and posts.

Training Institution

13. (1) The Inspectorate shall establish and maintain a training institution for the purpose of initial, promotion and refresher trainings for Inspectorate officers

(2) The Inspectorate may collaborate with other training institutions to provide training

(3) The training institution shall be in accordance with the curriculum

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and required standards and procedures

(4) The Directorate and the Department shall develop guidelines on the curriculum from relevant authorities for examination and certification.

Delegation of Power

14. The Commandant may delegate in writing any of the powers conferred upon him or her by this Act to any officer from the rank Superintendent of Inspectorate and such delegation;

(1) may be made subject to such conditions as specified in the written notice of delegation;

(2) is recoverable at will; and

(3) does not affect the exercise of power or performance of a function by the Commandant.

Disciplinary Control over officers of the Inspectorate

15. The disciplinary action of the officers in the Inspectorate shall be in accordance with the applicable laws, County Inspectorate Service Standing Orders, human resource procedures and any other regulation made by the Board.

PART IV:-POWERS AND CONDUCT OF THE INSPECTORATE

Powers to maintain Law and Orders

16. (1) The Inspectorate shall maintain law and order by;

(a) regulating and controlling traffic, and;

(b) preventing obstruction in designated stage or bus parks, county roads and streets; any road found within Kilifi County

(c) guarding sports areas,

(d) providing security during cultural events or County functions and gatherings,

(e) protection of county health facilities and premises

(f) Inspection for compliance with trade license and permits.

(g) market protection and security.

(h) guarding of county heritage sites.

(i) safe guarding beach access points and fish landing sites.

(j) guarding gazzetted County forests and controlling movement of farm forest produce.

(2) Any person who disobeys any lawful order given by any officer acting under subsection (1) is guilty of an offence, and may be arrested without a warrant.

Power of entry by authorized officer

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

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

Power to arrest

- 18.** (1) Where an officer has a reasonable ground to believe that an offence has been committed or is about to be committed under any county law, the officer may arrest: -
- (a) The person committing or who is about to commit the offence.
 - (b) Where the offence relates to a regulated activity: -
 - i. the proprietor of the activity; or
 - ii. an employee of the proprietor; or
 - iii. Any other person whom the officer reasonably believes that is involved in the execution of the activity.
 - (c) An officer can prepare County bond and bail to an offender who has committed him or herself by signing a County bond and bail to make the offender appear before court at later date convenience to him or her.
 - (d) The offender shall be committed to pay a County bond and bail of Kenya Shillings Three Thousand only and shall only be paid back after court case determination.

Court to issue
Warrant

19. An officer may apply to a magistrate for a warrant to enter, search, inspect any premises or impound goods in any premises where he reasonably suspects that an activity is about to or is being undertaken contrary to any county laws and where entry has been refused.

Search without warrant

20. Where an officer has reasonable grounds to believe that something necessary for the purpose of investigation is likely to be found in any place and that the delay occasioned by obtaining a search warrant will in his or her opinion substantially prejudice such investigation, he or she may, after recording in writing the grounds of his or her belief and such description as is available of the thing for which the search is to be made, without search warrant as aforesaid, enter any premises which he expects the thing to be and there search and take possession of such this provided that:-

- i. The officer shall with him or her, produce to the occupier of the premises on request by him or her, his certificate for identification;
- ii. If the subject matter is seized, he or she shall forthwith take or cause it to be taken before a magistrate within whose jurisdiction the subject matter was found to be dealt with according to the law

Arrest and detentions
By inspectors

21. (1) An arrest by an Inspectorate officer, whether with or without a warrant, shall be subject to the rules specified in this section with

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respect to arrest and detention

(2) In the performance of the functions and exercise of the powers of arrest and detention set out in the Constitution and in this Act or any other law, an Inspectorate officer shall carry out an arrest and detention only as provided for in law.

(3) An Inspectorate officer shall accord arrested or detained persons all the rights set out under Articles 49,50 and 51 of the Constitution

(4) Every arrested person shall as soon as is practically possible but in any event not more than twenty-four hours after arrest be handed over to the police station in the jurisdiction within which the offence has been committed.

(5) An officer who contravenes the provisions of this section shall be personally guilty of a disciplinary offence and may be tried for a criminal offence.

Power to impound goods

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

(2) Where an Inspectorate officer has reasonable grounds to believe that a disco is playing music at a loud volume other than the required volume contrary to any County law and at night thereby causing disturbance, nuisance the officer may go ahead and impound the disco to any nearest Inspectorate Service Station and charge the owner.

(3) An officer may impound any animal that is kept or found trespassing and, or loitering in public places contrary to any County law and shall keep the animal at a designated area and shall then notify the owner.

(4) Any goods impounded that are subject to rapid decay shall be disposed off with the authority of the magistrate after a full inventory has been taken and any other records of the same including photographs submitted to court.

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

(6) The Inspectorate shall take an inventory and put the records of the impounded goods.

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- Impounding of vessels
- 23.** Where an officer reasonably believes that a vessel is parked or controlled in any manner contrarily to any county law or without payment of prescribed parking fee, the officer may impound the vessel by clamping or towing it to the nearest Inspectorate Station or Post.
- Identification of an Officer
- 24.** An officer shall sufficiently identify himself or herself while exercising any of the powers under this part.
- Cooperation and collaboration
- 25.** (1) The Director may formally engage and may enter into a working agreement with the following agencies:
- (a) National Police Service;
 - (b) Private security Service within the county;
 - (c) Relevant road authority or authorities;
 - (d) Kenya Forest Service;
 - (e) Kenya Wildlife Service;
 - (f) National Environment Management Authority;
 - (g) Kenya Revenue Authority;
 - (h) Judicial Service Commission;
 - (i) Directorate of Public Prosecution;
 - (j) Any other private or public agency in the county.
- (2) a working agreement with the national police service shall provide for inter alia;
- (a) the manner and extent to which the inspectorate service shall assist the national police service in implementation of national legislation;
 - (b) the manner and terms of deployment officers of the national police service in implementation of national legislation
 - (c) provide for such matters as the inspector general and the Director may deem appropriate.
- (3) A working agreement with any roads authority shall provide for the manner which any barriers will be erected or placed on any road under the direct management of that road authority.
- (4) the Inspectorate Service shall be a member of the Community Policing where the Chief Inspector as a Sub County Commander shall represent the Inspectorate at the Sub County Community Policing Committee and the Inspector of Inspectorate at Ward Community Policing Committee.
- Un approved building and structures
- 26.** (1) It shall be unlawful for any person to erect, build establish or keep any structure, building, shed, kiosk or any other structure whatsoever or for whatever purpose on any area whether public or private without approval of the County Government.
- (2) Where it has come to the attention of the County Government that there is or are such structures mentioned in subsection (1) above which have been put, constructed or erected without County Government Approval, the County Government

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shall give the owner or occupier of such structure Seven (7) days' notice to demolish the structure or obtain County Government approval.

- (3) If the owner and or occupier does not demolish or obtain approvals within seven (7) days, the County Government may demolish or take such measures as are appropriate to the structures and surcharge the owner of the plot or person who has constructed the costs of demolition.

Costs of demolition

27. (1) The surcharge mentioned in section 27(3) herein above may,

- a) be added to rates payable by rent and or;
- b) be recovered by the County Government as a civil debt.

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

Service of notice

28. Any notice required to be given shall be deemed to be duly

Served if:

- a) It is placed on a conspicuous place of the structure or buildings;
- b) Served upon the owner and received, or
- c) Served upon the occupant.

Control of conduct
Of inspectorate

29. (1) The Inspectorate shall perform its functions under the overall direction, supervision and control of Commandant and shall be impartial and objective at all times in all matters.

(2) No officer shall subject any person to torture or to any other cruel, inhumane or degrading treatment.

(3) Any officer proved to have contravened the provision of this section is guilty of a felony.

Obedience of orders

30. (1) An officer shall promptly obey all lawful orders in respect of the execution of his or her office which he or she may from time to time receive from a superior in the Inspectorate.

(2) An Officer shall: -

- a. Promptly obey and execute all orders and warrants lawfully issued to him;
- b. Collect and communicate intelligence affecting law and order;
- c. Take all steps necessary to prevent the commission of an offence and public nuisance;
- d. Detect offenders and bring them to justice; and
- e. Apprehend any person whom he or she is legally authorized to

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apprehend and for whose apprehension sufficient ground exists.

Conflict of interest

31. (1) No member of the Inspectorate shall engage in any trade, business or employment if the trade, business or employment is in conflict of interests with the performance of the inspectorate officers' duties.

(2) for avoidance of doubt the law on anti-corruption, the Public Officers Ethics Act, 2003, the Leadership and Integrity Act, and other relevant laws shall apply to members of the Inspectorate

PART V: -OFFENCES

Impersonating an officer

32. Any person who impersonates an officer appointed under this Act, commits an offence and shall be liable, upon conviction, to pay a fine of not more than Kenya Shillings five hundred thousand or imprisonment for a period not exceeding three years, or to both.

Obstruction of an officer

33. Any person who willfully resists arrest, obstructs or interferes with the duties of an inspectorate officer commits an offence and shall be liable upon conviction to a fine not exceeding Kenya shillings Twenty thousand or to imprisonment for a term not exceeding one year or to both.

Destruction of county property

34. Any person who defaces or destroys any property being the property of the County Government commits an offence and shall be liable upon conviction to a fine not exceeding Kenya shillings fifty thousand or to imprisonment for a term not exceeding one year or to both.

General Penalty

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

PART VI: —MISCELLANEOUS PROVISIONS

Allocation of funds

36. (1) The County Assembly shall allocate adequate funds to enable the Inspectorate to perform its functions and the budget for the Inspectorate shall be a separate vote as will be indicated in Inspectorate County Integrated Development Plan and budget.

(2) The Commandant shall ensure that every Inspectorate post and station is allocated sufficient funds to finance its activities.

Fines payments

37. All fines imposed and recovered by a competent court on an offender shall be distributed at a percentage to be agreed between the County Government and the Judiciary.

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Arrangements with other public offices

38. The Directorate in consultation with the County Attorney shall put in place arrangements with: -

(1) The Director of Public Prosecution for the purpose of facilitating prosecution of those who contravene county laws;

(2) The Judicial Service Commission of Kenya for the purpose of allocation and designation of magistrates to adjudicate on offences arising from county laws,

(3) The relevant public authorities dealing with matters of incarceration of criminal suspects and convicts.

Transition Clause

39. (1) All person who were immediately before the commencement of this Act, were officers or employees of the enforcement shall upon commencement of this Act, become officers of the Inspectorate in accordance with this Act in such ranks as the Department and the Directorate shall designate.

(2) Notwithstanding subsection (1) above, all officers referred to in subsection (1) shall undergo vetting by the Department to access their suitability and competence to continue in the service with regards to compliance with the requirement of Chapter 6 of the Constitution, the Leadership and Integrity Act and other written law applicable to public officers

Regulations

40. The Commandant shall make regulations consistent with the provision of this Act, for prescribing anything which by this Act is required to be prescribed, or relating to any of the following matters-

(1) in consultation with the Department and County Attorney on the rules of procedure,

(2) in consultation with Board, forms of certificates of appointment and other forms to be used under this Act,

(3) on the conduct of Inspectorate officers.

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FIRST SCHEDULE

OATH / AFFIRMATION OF OFFICE
(s.6 (3))

I(Full Names)DO SWEAR/DO SOLEMNLY AND SINCERELY AFFIRM THAT I will be faithful and bear true allegiance to the Constitution and the Governor of Kilifi County during my without favor or affection, malice or ill will; that I will at all times do my utmost to reserve the peace and to prevent offences against the peace; that while I shall continue to hold the said office, to the best of my skill and knowledge, discharge all the duties thereof faithfully according to law and will not; I will subject myself to the Constitution, all Acts, orders and rules now or in future without the jurisdiction of the Inspectorate and that I will discharge my duties and the duties of the Inspectorate according to law, without fear, favor, affection or ill will. (SO, HELP ME GOD)

OATH / AFFIRMATION OF SECRECY

I(Full names) DO HEREBY SWEAR BY THE ALMIGHTLY GOD / SOLEMNLY AND SINCERELY AFFIRM THAT I will not, without due authority, disclose or make known to any person any information acquired by me by reason of the duties performed by me on behalf or under the direction of the Inspectorate or by reason of any office or employment held by me pursuant to the Kilifi County Inspectorate Act. (SO, HELP ME GOD)

SECOND SCHEDULE
(s.8 (2))

STRUCTURE OF THE DIRECTORATE OF INSPECTORATE SERVICE

The Structure of the Directorate Inspectorate Service shall be as follows in order of their rank. Therefore, the scheme of service of the Inspectorate shall be derived from **County Career Progression for County Governments and that for Scheme of Service of Security Personnel**. The current ranking and grading of the Inspectorate from the Commandant of Inspectorate to the Constable of the Inspectorate shall be designated as follows and be adopted by the Kilifi County Public Service Board as the **Inspectorate Service Scheme of Service**. More description shall be found in the Inspectorate Standing Orders.

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- 1) **Commandant of Inspectorate.....(JG-R)**
- 2) **Deputy Commandant of Inspectorate.....(JG-Q)**
- 3) **Assistant Commandant of Inspectorate.....(JG-P)**
- 4) **Senior Superintendent of Inspectorate.....(JG-N)**
- 5) **Superintendent of Inspectorate.....(JG-M)**
- 6) **Chief Inspector of Inspectorate.....(JG-L)**
- 7) **Inspector of Inspectorate.....(JG-K)**
- 8) **Senior Sergeant of Inspectorate.....(JG-J)**
- 9) **Sergeant of Inspectorate.....(JG-H)**
- 10) **Corporal of Inspectorate.....(JG-G)**
- 11) **Constable of Inspectorate.....JG(E-F)**

THIRD SCHEDULE

OFFENCES AGAINST DISCIPLINE

1. It shall be an offence against discipline for any inspectorate officer to:-

- (a) Unlawfully strike, or use or threaten violence against any inspectorate officer or any other person;
- (b) Use any obscene, abusive or insulting language in any form to any Inspectorate officer;
- (c) Use threatening or insubordinate or disrespectful language, word, act or demeanor to an Inspectorate officer senior to him in rank;
- (d) Cause a disturbance in any inspectorate premises;
- (e) Drink intoxicating liquor or psychotropic substances or drugs, or smoke in uniform when actively engaged on duty in public place;
- (f) Willfully disobey any lawful command or order;
- (g) Absent himself without leave;
- (h) Be found sleeping while on duty;
- (i) Leave his post or place of duty therefore he / she is regularly relieved, except in fresh pursuit of an offender who is his/her duty to apprehend;
- (j) While under arrest or in detention, leave or escape from such arrest or detention before he/she is set at liberty by proper authority;
- (k) Neglect or refuse to assist in the apprehension of any inspectorate officer charged with any offence, when lawfully ordered to do so;
- (l) Resist any lawful arrest;

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- (m) Negligently allow any prisoner, who is committed to his charge or whom it is his / her duty to guard, to escape lawful cause;
- (n) Discharge any weapon without reasonable lawful cause;
- (o) Without reasonable cause, fail to attend at any parade, instruction class or court or any other duty which he is required to attend;
- (p) Sell, pawn, lose by neglect, make away with or willfully or negligently damage, or fail to report any loss or damage to, any arm, ammunition, accoutrement, uniform or other article of personal issue or any vehicle or other property committed to his charge belonging to the Government or for which the Government is responsible; or
- (q) Be in improper possession of any public or private property; or
- (r) Commit any act of plunder or wanton destruction of any property;
- (s) Be negligent in the performance of his duty;
- (t) Appear on duty untidy or dirty in his/her person, arms, clothing or equipment;
- (u) Make or sign any false statement in any document or official record;
- (v) Without proper authority, disclose or conveys any information concerning any investigation or other inspectorate matter;
- (w) Malingers, or feign any disease or infirmity;
- (x) Without proper authority demands or exacts from any person any carriage, portage or provision;
- (y) Commit an act which amounts to corruption under any law in force in Kenya;
- (z) Make any false statements upon joining the Inspectorate; or
- (aa) Refuse or neglect to make or send any report or return which it is his duty to make or send; or
- (bb) Knowingly make any false accusation or complaint or statement against any inspectorate officer or other person, affecting the character of such person, or willfully suppress any material fact.

MEMORANDUM OF OBJECTS AND REASONS

County legislation like any other law requires Implementation and enforcement. To achieve enforcement of the laws the county government must through legislation establish a proper institutional framework in this case Inspectorate Standing Orders with specific powers geared at enforcing the county laws.

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Enforcement includes inspection of compliance with county laws, arrests of those who offend the county law, their prosecution, and judicial determination of accusation and punishment of those who offend the county laws.

Enforcement further extends to the impoundment of property and animals which is traded and kept contrary to county law. The arresting or impounding officer must have a legal backing from which such power should be given. It is upon the above consideration that this Bill seeks to provide for county laws enforcement and their powers.

The structure of the Bill is as follows:

PART I (clauses 1–3) of the Bill contains the preliminary provisions.

Clause 1 states the title of the Bill and clause 2 deals with interpretation of terms as used in the Bill. Clause 3 states the objects of the bill.

PART II

Clauses 4 and 5 provide for the establishment of Inspectorate Service and the powers and responsibilities of the Inspectorate Service.

PART III

Clause 6 -15 provides for the appointment of Inspectorate officers, their deployment, promotion discipline and ranking

PART IV

Clauses 16-31 provides for the various powers which have been bestowed upon the inspectorate officers. Clause 24 requires them to identify themselves in every situation.

Clause 25 and 26 make for cooperation and collaboration as well as provisions that deal with unapproved building and the consequences of such buildings.

Clause 31 provides for conflict of interest.

PART V

Clause 32-35 provide for the offences created under this Act and their punishment. There is also a provision for general penalty in cases where no penalty is provided for an offence.

PART VI

Clause 36 -40 are miscellaneous provisions which deal with the issue of fines, co-operation with other organs and the power to make regulations.

Dated the, 2023

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