

SPECIAL ISSUE

Kenya Gazette Supplement No. 44 (Kilifi County Acts No. 19)



REPUBLIC OF KENYA

KENYA GAZETTE SUPPLEMENT

KILIFI COUNTY ACTS, 2016

NAIROBI, 20th January, 2017

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No. 19 *Kilifi County Anti-Pornography* **2016**

involved in the production of pornographic material or in commission of any other offence under this Act;

(b) seize any device, equipment or material which the Officer has reason to believe has been used in the production of pornographic material or in the commission of any other offence under this Act.

(c) Arrest any person whom the Authorised Officer has reasonable grounds to believe has committed an offence in this Act

(2) Upon conviction under subsection (1) (b), that device, equipment or material must be forfeited to and disposed off by the county government.

Protection of the Authorised Officers

7. A person who—

(a) assaults, obstructs, resists, delays, refuses entry or

Search or fails to take all reasonable measures to ensure the safety of or otherwise interferes with an Authorised Officer in the performance of the officer's duties; or

(b) Fails to comply with any lawful order, requirement or request of an Authorised Officer, commits an offence.

General Penalty

8. A person who contravenes a provision in this Act for which a penalty has not been provided for, commits an offence and is liable, on conviction, to a fine not exceeding Kenya shillings five hundred thousand or to imprisonment for a term not exceeding five years or to both.

Regulations

9. The executive Committee member may make regulations for the proper administration of this Act.

THE KILIFI COUNTY ANTI-PORNOGRAPHY ACT, 2016

No. 19 of 2016

Date of Assent: 13th January, 2017

Date of Commencement: 20th January, 2017

ARRANGEMENT OF SECTIONS

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THE KILIFI COUNTY ANTI-PORNOGRAPHY ACT, 2016**AN ACT of County Assembly to prohibit and penalize the production, printing, publication, sale, distribution and exhibition of obscene and pornographic materials and for connected purposes.**

ENACTED by the County Assembly of Kilifi as follows—

Short title and Commencement

1. This Act may be cited as the Kilifi County Anti-Pornography Act, 2016 and shall come into operation upon publication in the *Gazette*.

Interpretation

2. In this Act, unless the context otherwise requires—

“authorized officer” means Authorized Officer appointed under section 5 of this Act;

“Executive Committee Member” means the County Executive Committee Member responsible for matters relating to Culture and Social Services in the county;

“Person” includes a company, association or other body whether incorporated or unincorporated.

“pornographic material” includes any public displaying print, audio, visual, electronic or other similar medium that describes or exhibits obscenity.

Guiding Principle

2. In fulfilling the Act’s mandate, the executive member must act in accordance with the values and principles set out in the Constitution and any other written law.

Prohibition of Pornography

4. A person who—

- (a) sells, lets to hire, distributes, publicly exhibits or in any manner puts into circulation, or for purposes of sale, hire, distribution, public exhibition or circulation, makes, produces or has possession of any obscene book, pamphlet, paper, drawing, writing, painting, art, representation, cinematography films or figure or any other obscene object that tends to corrupt morals or which depicts the image of a person; or

- (b) imports, exports or conveys any obscene object for any of the purposes specified in subsection(a), or knowingly or having reason to believe that such object will be sold, hired out, distributed or publicly exhibited or in any manner put into circulation; or
- (c) stages or participates in a public performance or act which is obscene in nature and in contravention with acceptable norms of public morality; or
- (d) takes part in or receives profits from any business in the course of which the person knows or has reason to believe that the obscene objects are, for any of the purposes specifically in this section, made, produced, purchased, kept, imported, exported, conveyed, publicly exhibited or in any manner put into circulation; or
- (e) advertises or makes known by any means that a person is engaged in or is ready to engage in any act which is an offence under this section, or that any such obscene object can be produced from or through any person; or
- (f) offers or attempts to do any act which is an offence under this section, commits the offence of pornography and upon conviction is liable to—
- (i) imprisonment for a term of not less than six years or to a fine of not more than five hundred thousand shillings or to both; and
- (ii) Upon subsequent conviction, to imprisonment to a term of not more than seven years without the option of a fine.

Appointment of Authorised Officers

5. (1) The Executive Committee Member shall by notification in the *Gazette*, appoint such number of authorized officers as may be necessary for the proper administration of this Act.

- (2) The Executive Committee Member shall issue a Letter of Appointment to every officer appointed under this section.

Powers of the Authorised Officer

6. (1) An Authorised Officer may—

- (a) enter and search any premises with occupier genuinely sought and informed consent or warrant or court order, except in vehicle, aircraft or Ship the Authorised officer may enter and search without a warrant then shall as soon as reasonable possible justify the action to a judicial officer, which the Authorised officer has reasonable Grounds to believe is being used or has been used or