

# Module I Session 1: Review of the Fourth Schedule of the Constitution

## TASK 1.1 ■ RESPONSIBILITIES OF NATIONAL GOVERNMENT AND COUNTIES 45 MINUTES

### TASK OBJECTIVE

❖ UNDERSTANDING THE FUNCTIONS OF BOTH LEVELS OF GOVERNMENT ACCORDING TO THE CONSTITUTION AND OTHER STATUTORY DOCUMENTS

### RESOURCES NEEDED

✓ Fourth Schedule of the Constitution of Kenya 2010 (Annex I)

### TASK EXPLANATORY NOTES

1. Refer to the task below
2. In groups of three or five fill out the table below WITHOUT referring the constitution.
3. In plenary present your answers.

### TASK 1.1

Test your knowledge: look at the list of responsibilities below and indicate which responsibilities belong to the national government and which to the counties. If you think the responsibility is shared, explain why.

Responsibilities	National or County?
1. Primary Education	
2. Housing Policy	
3. Ambulance Services	
4. Courts	
5. Pre- Primary Education	
6. Housing	

7. Wildlife Protection	
8. Markets	
9. Water and Sanitation	
10. Agricultural Policy	
11. Energy Policy	
12. Control of Drugs	
13. Health Policy	
14. Public Road Transport	
15. Police	
16. Veterinary Services	

**TASK 1.2 ■ A CLOSER LOOK AT FUNCTIONS ACCORDING TO THE FOURTH SCHEDULE**

**1 HOUR**

**TASK OBJECTIVE**

- ❖ **CRITICALLY LOOKING AT THE FUNCTIONS OF BOTH GOVERNMENTS AS PROVIDED FOR IN THE FOURTH SCHEDULE**

**RESOURCES NEEDED**

- ✓ The Fourth Schedule
- ✓ Relevant legislation (Annex of Documents )

## TASK EXPLANATORY NOTES

1. Read through the Fourth Schedule (Annex I)
2. In groups of two or three answer the questions provided for below.
3. In plenary present your answers.

### TASK 1.2

Referring to Annex I answer the following questions.

- 1) What is National Government responsible for in the Education sector?
- 2) What is County Government responsible for in the Education sector?
- 3) Do the responsibilities listed above cover every activity/service in the Education sector? Can you think of anything that's missing? If yes, indicate whether you think the National Government or the County Government would be responsible for it.
- 4) What is National Government responsible for in the Health sector?
- 5) What is County Government responsible for in the Health sector?

- 6) Do the responsibilities listed above cover every activity/service in the Health sector? Can you think of anything that's missing? If yes, indicate whether you think the National Government or the County Government would be responsible for it.
- 7) What is National Government responsible for in the Agriculture sector?
- 8) What is County Government responsible for in the Agriculture sector?
- 9) Do the responsibilities listed above cover every activity/service in the Agriculture sector? Can you think of anything that's missing? If yes, indicate whether you think the National Government or the County Government would be responsible for it.

#### EXTRA READINGS

- i. Lakin J and Kinuthia J, "First Do No Harm: Is Government Minding Our Health as it Devolves?" IBP Budget Brief #16, February 2013. Available at <http://internationalbudget.org/wp-content/uploads/brief16.pdf> (a few things have changed since the brief was published)
- ii. IBP Kenya et al, "Who's In Charge? Devolution May Fail Without Clear Division of Roles," April, 2013. Available at <http://internationalbudget.org/publications/whos-in-charge-devolution-may-fail-without-clear-division-of-roles/>
- iii. Republic of Kenya, Executive Office of the President, "Report of the Presidential Taskforce on Parastatal Reforms," October 2013. Available at [https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=1&ved=0ahUK Ewitj\\_iMwIzMAhUL2hoKHAK1AcQQFggdMAA&url=http%3A%2F%2Fwww.cofek.co.ke%2FReport%2520of%2520The%2520Presidential%2520Task%2520force%2520on%2520P](https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=1&ved=0ahUK Ewitj_iMwIzMAhUL2hoKHAK1AcQQFggdMAA&url=http%3A%2F%2Fwww.cofek.co.ke%2FReport%2520of%2520The%2520Presidential%2520Task%2520force%2520on%2520P)

[arastatal%2520Reforms.pdf&usg=AFQjCNEHfuUeqj9K-kbYJ\\_oh1zsFeYkE-Q&sig2=3hULpsO6xiGKxpgXHi9pnQ&cad=rja](http://arastatal%2520Reforms.pdf&usg=AFQjCNEHfuUeqj9K-kbYJ_oh1zsFeYkE-Q&sig2=3hULpsO6xiGKxpgXHi9pnQ&cad=rja)

- iv. Lakin, J. & Kinuthia, and J “Government Spending: How Much Money is tied up in State Corporations?” IBP Budget Brief <http://internationalbudget.org/wp-content/uploads/Budget-Brief-no-26-How-Much-Money-is-Tied-up-in-State-Corporations.pdf>

### TASK 1.3 ■ THE AUGUST 2013 GAZETTE NOTICE ON TRANSFER OF FUNCTIONS

30 MINUTES

#### TASK OBJECTIVE

- ❖ UNDERSTANDING THE EXTENT TO WHICH THE TRANSITION AUTHORITY GAZETTE NOTICE 2013 CLARIFIES THE ROLES AND RESPONSIBILITIES OF COUNTY GOVERNMENTS

#### RESOURCES NEEDED

- ✓ Transition Authority Gazette Notice August 2013 (Annex II)

#### TASK EXPLANATORY NOTES

1. Refer to Annex II below.
2. As directed by the facilitator respond to the discussion questions below.

#### TASK 1.3

Review the Transition Authority gazette notice about the transfer of functions, dated August 2013 and discuss the questions below in groups:

- Does this notice help you to understand better what exactly is being transferred in the education, health, and agriculture sectors and other sectors?
- What questions remain? Give at least three
  - 1.
  - 2.
  - 3.

### EXTRA READINGS

- i. The full version of the Transfer of Functions legal notice, Kenya Gazette Supplement No. 116 9th August, 2013 available at:  
<http://www.transauthority.go.ke/images/publications/KENYA%20SUPPLEMENT%20NO.%20116.pdf>
- ii. TA Legal Notice on transfer of functions relating to Agricultural Training Centre or mechanization stations available at :  
<http://www.transauthority.go.ke/images/publications/LEGAL%20NOTICE%20NO.%202033.pdf>

### TASK 1.4 ■ INTERLUDE: AN APPLICATION

30 MINUTES

#### TASK OBJECTIVE:

- ❖ IDENTIFYING AVENUES FOR REPORTING ON AND ADVOCACY RELATING TO COUNTY AND NATIONAL FUNCTIONS

#### RESOURCES NEEDED

- ✓ The Nyeri Article

#### TASK EXPLANATORY NOTES

1. Read through the Nyeri article below.
2. Discuss the questions that follow.
3. If you are a journalist focus on how the story could have been written differently.
4. If you work with CSOs focus on what and how you would push for your advocacy agenda.

### TASK 1.4

#### The Nyeri Article

**Baby dies at Nyeri Provincial General Hospital after falling headlong from womb**

**January 17, 2014**

A woman lost her baby while delivering at Nyeri Provincial Hospital due to what she terms as negligence by nurses. Charity Wanjiku, 27, said she was taken to hospital by her husband at midnight on Wednesday with severe labour pains. On admission in the labour ward, she alerted the nurses that the baby was due but they did not pay heed. “When the nurses ignored me I stood up due to

the pain and that's when the baby came out and fell head first onto the floor and later died," she said.

Her husband, Mr. Peter Ndigirigi, said after his wife was admitted he went home, but his wife later called him to inform him of the baby's death. On arrival at the hospital, he was intercepted by security officers who almost turned violent. "But one nurse was kind enough to explain calmly to me how our son died," he said. The 29-year-old father of two daughters, aged 10 and 6, said he was really looking forward to the birth of a son.

The distraught father remarked: "I wonder if they are mistreating patients because maternity services are free." Nyeri hospital medical superintendent Cyrus Njoroge said the hospital had six patients that night, some of whom needed emergency operation, and only four nurses. Mr. Njoroge said the nurses advised Ms. Wanjiku to lie down but she could not owing to severe labour pains. He attributed the tragedy to the severe shortage of nurses. The hospital has 250 but requires 600.

### **For journalists**

1. What are the gaps/weaknesses they can identify in the story?
2. What possible angles could the story have taken that it didn't?
3. How could the journalists use information from the county budget, knowledge of county functions or county priorities to make it a stronger story?

### **For Civil Society Organisations**

1. What possible advocacy agenda can you identify from this story?
2. To be sure that this is a good advocacy agenda, what additional information would you need? What additional analysis would you need to do?
3. Would this agenda target national government, county government or both? Why?

Answer:

- ❖ THE FUNCTIONS FOR BOTH COUNTY AND NATIONAL GOVERNMENTS ARE SPELLED OUT IN THE FOURTH SCHEDULE OF THE CONSTITUTION AND THE TRANSITION AUTHORITY GAZETTE NOTICE 2013
  - ❖ HOWEVER, THERE ARE STILL A NUMBER OF FUNCTIONS THAT ARE UNCLEAR AND THERE ARE DISAGREEMENTS AMONG STAKEHOLDERS ABOUT WHO IS SUPPOSED TO DO WHAT
  - ❖ COUNTY AND NATIONAL GOVERNMENTS HAVE CONCURRENT/SHARED ROLES IN DIFFERENT SECTORS AND BOTH GOVERNMENTS HAVE A CONSTITUTIONAL DUTY TO COOPERATE WITH EACH OTHER IN CARRYING OUT THEIR ROLES AND RESPONSIBILITIES
  - ❖ RESIDUAL FUNCTIONS NOT ASSIGNED TO ANY LEVEL EXPLICITLY BELONG TO THE NATIONAL GOVERNMENT
  - ❖ PARLIAMENT HAS A ROLE IN CLARIFYING RESPONSIBILITIES OF THE TWO LEVELS OF GOVERNMENT THROUGH LEGISLATION
- BUDGET ADVOCACY, ANALYSIS AND REPORTING SHOULD TAKE INTO ACCOUNT THE ROLES AND RESPONSIBILITIES OF COUNTIES AND NATIONAL GOVERNMENT AND PUSH FOR FURTHER CLARIFICATION OF THE FUNCTIONS OF BOTH LEVELS OF GOVERNMENT

## Annex I: Fourth of the Constitution of Kenya, 2010

### FOURTH SCHEDULE (*Articles 185(2), 186(1) and 187(2)*)

#### Distribution of Functions between the National Government and the County Governments

##### PART 1—NATIONAL GOVERNMENT

1. Foreign affairs, foreign policy and international trade.
2. The use of international waters and water resources.
3. Immigration and citizenship.
4. The relationship between religion and state.
5. Language policy and the promotion of official and local languages.
6. National defence and the use of the national defence services.
7. Police services, including—
  - (a) the setting of standards of recruitment, training of police and use of police services;
  - (b) criminal law; and
  - (c) correctional services.
8. Courts.
9. National economic policy and planning.
10. Monetary policy, currency, banking (including central banking), the incorporation and regulation of banking, insurance and financial corporations.
11. National statistics and data on population, the economy and society generally.
12. Intellectual property rights.
13. Labour standards.
14. Consumer protection, including standards for social security and professional pension plans.
15. Education policy, standards, curricula, examinations and the granting of university charters.
16. Universities, tertiary educational institutions and other institutions of research and higher learning and primary schools, special education, secondary schools and special education institutions.
17. Promotion of sports and sports education.
18. Transport and communications, including, in particular—
  - (a) road traffic;
  - (b) the construction and operation of

- national trunk roads;
  - (c) standards for the construction and maintenance of other roads by counties;
  - (d) railways;
  - (e) pipelines;
  - (f) marine navigation;
  - (g) civil aviation;
  - (h) space travel;
  - (i) postal services;
  - (j) telecommunications; and
  - (k) radio and television broadcasting.
19. National public works.
  20. Housing policy.
  21. General principles of land planning and the co-ordination of planning by the counties.
  22. Protection of the environment and natural resources with a view to establishing a durable and sustainable system of development, including, in particular—
    - (a) fishing, hunting and gathering;
    - (b) protection of animals and wildlife;
    - (c) water protection, securing sufficient residual water, hydraulic engineering and the safety of dams; and
    - (d) energy policy.
  23. National referral health facilities.
  24. Disaster management.
  25. Ancient and historical monuments of national importance.
  26. National elections.
  28. Health policy.
  29. Agricultural policy.
  30. Veterinary policy.
  31. Energy policy including electricity and gas reticulation and energy regulation.
  32. Capacity building and technical assistance to the counties.
  33. Public investment.
  34. National betting, casinos and other forms of gambling.
  35. Tourism policy and development.

##### PART 2—COUNTY GOVERNMENTS

The functions and powers of the county are—

1. Agriculture, including—
  - (a) crop and animal husbandry;
  - (b) livestock sale yards;
  - (c) county abattoirs;
  - (d) plant and animal disease control; and
  - (e) fisheries.
2. County health services, including, in particular—

- (a) county health facilities and pharmacies;
  - (b) ambulance services;
  - (c) promotion of primary health care;
  - (d) licensing and control of undertakings that sell food to the public;
  - (e) veterinary services (excluding regulation of the profession);
  - (f) cemeteries, funeral parlours and crematoria; and
  - (g) refuse removal, refuse dumps and solid waste disposal.
3. Control of air pollution, noise pollution, other public nuisances and outdoor advertising.
  4. Cultural activities, public entertainment and public amenities, including—
    - (a) betting, casinos and other forms of gambling;
    - (b) racing;
    - (c) liquor licensing;
    - (d) cinemas;
    - (e) video shows and hiring;
    - (f) libraries;
    - (g) museums;
    - (h) sports and cultural activities and facilities; and
    - (i) county parks, beaches and recreation facilities.
  5. County transport, including—
    - (a) county roads;
    - (b) street lighting;
    - (c) traffic and parking;
    - (d) public road transport; and
    - (e) ferries and harbours, excluding the regulation of international and national shipping and matters related thereto.
  6. Animal control and welfare, including—
    - (a) licensing of dogs; and
    - (b) facilities for the accommodation, care and burial of animals.
  7. Trade development and regulation, including—
    - (a) markets;
    - (b) trade licences (excluding regulation of professions);
    - (c) fair trading practices;
    - (d) local tourism; and
    - (e) cooperative societies.
  8. County planning and development, including—
    - (a) statistics;
    - (b) land survey and mapping;
    - (c) boundaries and fencing;
    - (d) housing; and
    - (e) electricity and gas reticulation and energy regulation.
  9. Pre-primary education, village polytechnics, homecraft centres and childcare facilities.
  10. Implementation of specific national government policies on natural resources and environmental conservation, including—
    - (a) soil and water conservation; and
    - (b) forestry.
  11. County public works and services, including—
    - (a) storm water management systems in built-up areas; and
    - (b) water and sanitation services.
  12. Fire fighting services and disaster management.
  13. Control of drugs and pornography.
  14. Ensuring and coordinating the participation of communities and locations in governance at the local level and assisting communities and locations to develop the administrative capacity for the effective exercise of the functions and powers and participation in governance at the local level.

## Annex II: Transition Authority August, 2013 Gazette Notice

### LEGAL NOTICE NO. 152 THE CONSTITUTION OF KENYA THE TRANSITION TO DEVOLVED GOVERNMENTS ACT, 2012 (No.1 of 2012)

#### TRANSFER OF FUNCTIONS PURSUANT TO section 15 of the Sixth Schedule to the Constitution as read with sections 23 and 24 of the Transition to Devolved Governments Act, 2012 and further to the Legal Notice

No.16 of 2013, the Transition Authority approves the transfer of the functions specified in the Schedule to the county government of Mombasa, with effect from the 9<sup>th</sup> August, 2013: Provided that the responsibility for the personnel emoluments related to the discharge of the devolved functions shall be managed by the national government for a period not exceeding six months or as shall be agreed upon between the two levels of government, whichever comes first.

Legal Notice No. 134 of 2013 is revoked.

#### SCHEDULE

##### 1. Agriculture:

- (a) crop husbandry including—
  - (i) provision of agricultural extension services or farmer advisory services;
  - (ii) development and implementation of programmes in the agricultural sector to address food security in the county;
  - (iii) construction of grain storage structures;
  - (iv) enforcement of regulations and standards on quality control of inputs, produce and products from the agricultural sector;
  - (v) availing farm inputs such as certified seeds, fertilizer and other planting materials, such as cassava cutting or potato vines, to farmers;
  - (vi) development of programmes to intervene on soil and water management and conservation of the natural resource base for agriculture;
  - (vii) promotion of market access for agricultural products;
  - (viii) provision of infrastructure to promote agricultural production and marketing as well as agroprocessing and value chains;
  - (ix) enhancing accessibility to affordable credit and insurance packages for farmers;
  - (x) management of agricultural training centers and agricultural mechanization stations:

Provided that the management of agricultural training centers and agricultural mechanization station shall be transferred after six months, to enable the requisite structures and mechanisms to be put in place by the Transition Authority;

- (xi) land development services such as construction of water pans for horticultural production for food security;
- (xii) formulation and review of county specific policies;
- (xiii) developing and enacting legislation and regulatory frameworks for county specific policies; and
- (xiv) implementation of national and county specific policies and legislation;
- (b) animal husbandry including livestock extension services to deliver husbandry technologies to livestock farmers and pastoralists, through farm demonstrations, farmer field days, farmer field schools, agricultural shows, individual farm visits, farmer training courses (residential and non-residential), barazas, farmer tours, posters, brochures or leaf lets ;
- (c) plant and animal disease control including carrying out, coordinating and overseeing—
  - (i) communal dipping and spraying operations and vaccination campaigns; and
  - (ii) control of plant pests, diseases and noxious weeds that are specific to counties; and
  - (d) fisheries including—
    - (i) fisheries extension services;
    - (ii) up scaling sea weed, fin fish and crustacean culture;
    - (iii) county fish seed bulking units;
    - (iv) on-farm trials;
    - (v) fish health certification;
    - (vi) development and maintenance of fish landing stations and jetties, fish auction centers and fish landing fees;
    - (vii) demarcation of all fish breeding areas and fencing of fish landing stations;
    - (viii) fish trade licensing and fish movement permits;
    - (ix) collection of fish production statistics;
    - (x) enforcement of fisheries regulations and compliance with management measures;
    - (xi) implementation of fisheries policy, fisheries management measures and regulation and limiting access to fishing;
    - (xii) fisheries monitoring, control and surveillance; and
    - (xiii) zonation for aquaculture-county specific disease control.

##### 2. County health services:

(a) county health facilities and pharmacies including—

(i) county health facilities including Coast Provincial General Hospital, county health services including county and sub-county hospitals, rural health centres, dispensaries, rural health training and demonstration centres. Rehabilitation and maintenance of county health facilities including maintenance of vehicles, medical equipment and machinery. Inspection and licensing of medical premises including reporting;

(ii) county health pharmacies including specifications, quantification, storage, distribution, dispensing and rational use of medical commodities:

Provided that until alternative intergovernmental arrangements are made, all counties shall procure medical commodities from the Kenya Medical Supplies Authority except where a particular commodity required by a county government is not available at the Kenya Medical Supplies Authority;

(b) ambulance services including emergency response and patient referral system;

(c) promotion of primary health care including health education, health promotion, community health services, reproductive health, child health, tuberculosis, HIV, malaria, school health program, environmental health, maternal health care, immunization, disease surveillance, outreach services, referral, nutrition, occupational safety, food and water quality and safety, disease screening, hygiene and sanitation, disease prevention and control, ophthalmic services, clinical services, rehabilitation, mental health, laboratory services, oral health, disaster preparedness and disease outbreak services. Planning and monitoring, health information system (data collection, collation, analysis and reporting), supportive supervision, patient and health facility records and inventories;

(d) licensing and control of undertakings that sell food to the public including food safety and control;

(e) veterinary services to carry out, coordinate and oversee veterinary services including clinical services, artificial insemination, and reproductive health management; but excluding regulation of the profession; and

(f) enforcement of waste management policies, standards and regulations; in particular —

(i) refuse removal (Garbage) including, provision of waste collection bins, segregation

of waste at source, licensing of waste transportation;

(ii) refuse dumps including zoning waste operational areas, conducting environmental impact assessment for the siting of dumps, fencing of dumps, controlling fires, monitoring waste characteristics and monitoring of waste water from the dumpsite (leachate); and

(iii) solid waste disposal including enforcement of national waste management policies, standards and laws with respect to landfilling, incineration with energy recovery, composting, recycling and operation of transfer stations.

3. Control of air pollution, noise pollution and other public nuisance including:

(a) control of noise pollution and other public nuisances;

(b) licensing for persons exceeding the permissible noise levels; and

(c) noise mapping and action plan development, excluding the implementation of nationally set ambient air quality standards.

4. Cultural services, public entertainment and public amenities:

(a) county betting, casinos and other forms of gambling;

(b) racing;

(c) cinemas;

(d) libraries excluding Kenya National Library Services; and

(e) museums.

5. County transport including:

(a) county roads including primary roads linking all sub-county head quarters and minor roads linking markets and administrative centers excluding roads being managed by Kenya Urban Roads Authority, Kenya Rural Roads Authority, Kenya Wildlife Service and Kenya Forest Service;

(b) mechanical and transport equipment shall be retained by the national government for a period of six months and the Transition Authority shall during that period develop modalities of sharing the mechanical and transport equipment;

(c) public road transport on licensing of public service vehicles operations; and

(d) ferries and harbors including development, maintenance and operations of ferries and harbors operating in inland lakes and waters.

6. Trade development and regulation:

(a) fair trading practices including—

(i) verification of weighing and measuring instruments;

(ii) inspection of weighing and measuring instruments and pre-packed goods;

(iii) investigation of complaints relating to unfair trade practices; and  
 (iv) prosecution of offences arising from unfair trade practices.

(b) co-operative societies—

- (i) promotion of co-operative societies;
- (ii) processing of application for registration;
- (iii) inspections and investigations;
- (iv) training needs assessment for co-operative movement;
- (v) market information dissemination & advisory services;
- (vi) banking inspections local Savings and Credit Cooperative Societies;
- (vii) risk assessment in Savings and Credit Cooperative Societies;
- (viii) investment advisory services;
- (ix) co-ordination and monitoring of co-operative indemnity by co-operative leaders;
- (x) promotion of co-operative ventures and innovations for local co-operatives;
- (xi) carrying out certification audits;
- (xii) carrying out continuous and compliance audits;
- (xiii) co-operative advisory services;
- (xiv) pre-cooperative education;
- (xv) settlement of disputes (arbitration);and
- (xvi) registration of co-operative societies audited accounts.

7. County planning and development:

(a) statistical services including—

- (i) custodian of official statistics in the county;
- (ii) maintenance of a comprehensive and reliable county socio-economic database;
- (iii) quality assurance of statistical information;
- (iv) collection and compilation of statistical information;
- (v) analysis of statistical information;
- (vi) publication and dissemination of statistical information for public use; and
- (vii) coordination, monitoring and supervision of the county statistical system;

(b) boundaries and fencing including—

- (i) determination of property boundaries;
- (ii) solving of property boundary disputes;
- (iii) showing of property boundaries;
- (iv) ensuring fencing and development of properties; and
- (v) finalization of surveying of administrative boundaries within the counties; and

(c) identification of the renewable energy sites for development— excluding identification and implementation of the rural electrification projects, management of the Rural Electrification Fund and development of isolated diesel stations, which shall be

transferred within the transition period as per the Rural Electrification Authority schedules.

8. Village polytechnics.

9. Implementation of specific national government policies on natural resources and environmental conservation:

(a) soil and water conservation—

(i) implementation of county specific water conservation and forestry policies through water resource users;

(ii) water pollution control; and

(iii) borehole site identification and drilling; and  
 (b) forestry including farm forest extension services, forests and game reserves formerly managed by local authorities excluding forests managed by Kenya Forest Service, National Water Towers and private forests.

10. County public works and services:

(a) Public works including designing, documentation, post contracting, project management of construction and maintenance of public buildings and other infrastructural services. Construction of footbridges; and

(b) water and sanitation services including rural water and sanitation services, provision of water and sanitation service in small and medium towns without formal service providers, water harvesting (specific to counties), urban water and sanitation services with formal service provision including water, sanitation and sewerage companies, excluding Water Service Water Services Regulatory Board and Water Resources

Management Authority.

11. Ensuring and coordinating the participation of communities and locations in governance at the local level and assisting communities and locations to develop the administrative capacity for the effective exercise of the functions and powers and participation in governance at the local level.

Dated the 9th August, 2013.

KINUTHIA WAMWANGI,

*Chairman,*

*Transition Authority*

## **Annex III: Transition Authority February, 2013 Legal Notice No. 16**

### **THE TRANSITION TO DEVOLVED GOVERNMENT ACT (No. 1 of 2012)**

**TRANSFERRED FUNCTIONS IN EXERCISE** of the powers conferred by section 23(1) of the Transition to Devolved Government Act, 2012, the Transition Authority identifies functions listed in the Schedule to be functions that may be transferred to county governments immediately after the first elections under the Constitution:

**Provided that:**

- (a) these functions are in addition to the executive, legislative and financial functions provided through the establishment of the County Executive and County Assembly; and
- (b) the functions provided for under paragraph 2(a) of the Schedule are limited to health services being provided by the relevant municipalities of the specified counties in the said paragraph.

### **SCHEDULE**

#### **1. Agriculture:**

- (a) livestock sale yards;
- (b) county abattoirs/slaughter house services.

#### **2. County Health Services:**

- (a) county health facilities and pharmacies (specific to Nairobi County, Kisumu County , Mombasa County, Nakuru County and Uasin Gishu County);
- (b) ambulance services ( specific to Nairobi, Kisumu, Mombasa, Nakuru, Uasin Gishu Counties);
- (c) cemeteries, Funeral Parlors/ Mortuary services and Crematoria Services;
- (d) refuse removal, refuse dumps and solid waste disposal.

#### **3. Control of outdoor advertising:**

#### **4. Cultural services, public entertainment and public amenities but limited to:**

- (a) betting services;
- (b) liquor licensing;
- (c) video shows and hiring;
- (d) sports and cultural activities and facilities;
- (e) county parks, beaches and recreation facilities.

#### **5. County Transport:**

- (a) access roads;
- (b) street lighting;
- (c) traffic and parking.

#### **6. Animal control and Welfare:**

- (a) licensing of dogs;